

This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`


3 2044 097 049 167

THE GOVERNMENT OF ILLINOIS

BY

HARRY PRATT JUDSON, LL.D.

PROFESSOR OF POLITICAL SCIENCE, THE UNIVERSITY OF CHICAGO



NEW YORK

MAYNARD, MERRILL, & CO., PUBLISHERS

29, 31, AND 33 EAST 19TH STREET

1900

T 61.5537
Educ.
1901,
Harvard University,
Graduate School of Education Library,
Gift of the Publishers,
TRANSFERRED TO
HARVARD COLLEGE LIBRARY

COPYRIGHT, 1900, BY
MAYNARD, MERRILL, & CO.



THE GOVERNMENT OF ILLINOIS

CHAPTER I

HISTORICAL SKETCH

THE SETTLEMENT OF NORTH AMERICA

1. English, French, and Spanish—The principal European settlements in North America were made by the English, the French, and the Spanish. The English settlers made their first homes at various places along the Atlantic coast, from Maine to Georgia. The French established themselves in Nova Scotia and New Brunswick (Acadia), on the banks of the St. Lawrence River and of the great lakes, at New Orleans, and at other points on the Mississippi River and its tributaries. The Spanish settled most of the West India islands, Florida, and all the vast country from California to the Isthmus of Panama.

St. Augustine, the first Spanish settlement on the mainland within the present limits of the United States, was founded in 1565. In 1607 the English made their first permanent * settlement at Jamestown, in Virginia. The French settled Quebec in 1608.

* A previous attempt at settlement in North Carolina had failed.

2. Hollanders and Swedes—New York was settled originally by people from Holland, and Delaware by Swedes. But later both of these colonies were seized by the English, and numbers of English settlers followed. Thus the whole Atlantic shore between Acadia and Florida was English.

3. Colonies of England—The land occupied by a settlement, or by a closely united group of settlements, was called a "colony." The English made thirteen of these colonies along the sea-coast, the settlers as time passed on gradually pushing farther and farther inland. There were, in fact, more than thirteen at one time or another, but several were united at different times, so that in the end there were only thirteen. Each colony had a government quite separate from that of the others. It was this fact which distinguished the colonies one from another, and it was the fact of a common government which united several settlements into a single colony.

In the last years of the English dominion in what is now the eastern part of the United States, the thirteen colonies were New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

4. Colonies of France—The French had lost their colonies. Their settlements included Acadia, Newfoundland, Canada, and Louisiana, the last consisting of all the land between the Mississippi River and the Rocky Mountains. They claimed, too, all the land between the Mississippi and the Alleghanies, counting it sometimes as dart of Louisiana and sometimes as part of Canada. The main French settlements were

at Quebec, Montreal, and New Orleans. They also had stations at Detroit, at Mackinac Island, at several points in the present States of Indiana and Illinois, and at various other places. But in a long series of wars between France and England the French were repeatedly defeated, and were finally compelled to give up all these colonies. Newfoundland, Acadia, Canada, and the land east of the Mississippi were yielded to England. Louisiana (comprising New Orleans and the land from the Mississippi to the Rocky Mountains) was ceded to Spain, to compensate that country for its losses in fighting as an ally of France. Florida, including not merely the State of that name but also the southern part of the States of Alabama and Mississippi, was given to England by Spain in exchange for Cuba, which the English had captured. The last treaty involving these great cessions of territory was made in 1763.

5. Government of the English Colonies — The thirteen English settled colonies were all governed in very much the same way. Each of them elected by a popular vote a legislature, which was empowered to make laws for the colony. The legislature might make any laws which were not contrary to the laws of England. In nearly all the colonies there were a governor and a number of judges for the law courts, appointed by the English king. In Connecticut and Rhode Island the people elected the governor and he appointed the judges. In Pennsylvania and Maryland the governor and judges were appointed by the English "proprietor," for these two colonies were the property of certain English families to which the king had given the land before it was settled.

6. Extent of the English Colonies—The territory which the colonies covered, or which they claimed to cover, was in many cases considerably more extensive than is that of the present States of the same names. Rhode Island, New Jersey, Pennsylvania, Delaware, and Maryland claimed no more land as colonies than they now have as States. But the present State of Maine was a part of the colony of Massachusetts. The present State of Vermont was claimed by New Hampshire and New York. Besides this, the colonies of Massachusetts, Connecticut, New York, Virginia, the Carolinas, and Georgia claimed that their western boundary was the Mississippi River.

The original English settlers obtained their legal title to the land from the king. The mainland of North America was discovered in 1497 by Cabot, an English voyager, who sailed along the coast from Labrador to some point near Florida. On the ground of this discovery England claimed to own the continent between the northernmost and the southernmost limits of Cabot's voyage, and as far west as the land extended—*i.e.*, to the Pacific. By existing English custom land so claimed was part of the royal domain, and hence directly controlled by the king and not by parliament. Accordingly, when companies were formed to effect settlement, it was from the king that they obtained a grant of the soil and of jurisdiction over it.

These grants of the king—"charters" they are usually called—in many cases defined the territory conveyed as extending clear across the continent to the Pacific Ocean. That was the case with the char-

ters of Massachusetts, Connecticut, Virginia, the two Carolinas, and Georgia. In 1763, however, the treaty by which France yielded to England all French claims in America east of the Mississippi contained also a stipulation whereby England in turn renounced her claim to any of the soil west of that river. The effect of this of course was to cut off the western extent of the colonies above noted at the great river.

It should also be observed that when the king gave New York to his brother, the Duke of York, in 1664, and Pennsylvania to William Penn, in 1681, he merely rescinded the Massachusetts and Connecticut grants of his predecessors so far as the land of the two former colonies was concerned. However, the two New England colonies continued to claim title to the land within the limits of their original grants west of Pennsylvania.

7. Independence of the Colonies—In 1775 the thirteen original English colonies, becoming dissatisfied with the government at London, and failing to obtain the concessions which they demanded, took up arms, and a long civil war followed. The colonies sent delegates to a Congress at Philadelphia for the management of their common concerns, and in 1776 this Congress declared the independence of the colonies, under the name of the "United States of America." From this time the Americans dropped the term "colony," the word "state" being substituted. The thirteen States in 1781 adopted a constitution for their common government, this document being called "Articles of Confederation." Two years later the war came to an end, Great Britain recognizing the independence of the United States. Thus the Ameri-

can Republic became a nation, with a government of its own.

8. The Constitution—The Articles of Confederation proved very unsatisfactory. In order to form a better government a convention met at Philadelphia in 1787, the members being appointed by the legislatures of the various States, and agreed on a new plan, which they called the "Constitution of the United States." This plan the States accepted, and in 1789 the government under this Constitution began its work.

9. Old States and New States—The States which adopted the Constitution were the thirteen which had united under the Articles of Confederation, which had declared their independence of Great Britain in 1776, and which had originally been British colonies. But one provision of the Constitution gave to the Congress power to admit new States into the Union.* This power Congress has exercised repeatedly, until now (1899) there are forty-five States, the old thirteen and thirty-two new ones.

THE WESTERN TERRITORY OF THE REPUBLIC

10. The West—Nearly all of these thirty-two new States at one time formed part of the territory which belonged to the Union as the property, not of the several States, but of the republic. That from which Illinois has been formed, however, was part of the western land which, before the War of Independence, was claimed by several of the colonies.

* U. S. Const., Art. IV., § 3.

11. Land Claims—The land enclosed by the Alleghany Mountains, the Mississippi River, and the great lakes was claimed by more than one of the colonies, and they continued their claim after they became States.

12. Massachusetts claimed the land west of New York as far as the Mississippi, between her northern and southern boundary lines, as laid down in her charter—42° 2′ and about 43° 43′ 12″ north latitude. This strip was not far from a hundred miles wide, and extended through the southern part of the present States of Michigan and Wisconsin and the northern part of Illinois. It included all of Illinois that lies north of the parallel 42° 2′ north latitude.

13. Connecticut claimed the land west of New York and Pennsylvania as far as the Mississippi, between her northern and southern boundary lines, as laid down in her charter—42° 2′ and 41° north latitude. The strip was about sixty-two miles wide, and extended through the northern parts of the present States of Ohio, Indiana, and Illinois, and the southern part of Michigan.

14. Virginia claimed the land west to the Mississippi River, between the northern and southern parallels of latitude laid down in her charter—from the southern boundary of the present State of Virginia carried west as far as the Mississippi, to the parallel of 41° north latitude, and included between the Mississippi on the west and the present States of Virginia, Maryland, and Pennsylvania on the east. This covered all the State of Illinois south of the parallel of 41°.

By another explanation of the Virginia charter (of 1609), the northern boundary of her possessions was not a parallel of latitude, but a line beginning at a

point on the Atlantic coast two hundred miles north of Old Point Comfort and running northwest. This would have included the whole of Illinois within the Virginia claim.

Virginia had another claim which covered Illinois. When the Revolutionary War broke out, the few scattered settlements north of the Ohio River were held by British garrisons, and were made the starting-points of Indian raids against the American border settlements. In order to break up these raids, Virginia, in 1778, sent a small army of State troops under Gen. George Rogers Clarke to attack the British garrisons. The expedition was successful. Clarke captured the posts of Kaskaskia and Cahokia (in Illinois) and Vincennes (in Indiana), and thus when the war came to an end in 1783 a great part of the land beyond the Ohio was in the actual possession of Virginia. By reason of this conquest Virginia claimed title to all the territory from the Ohio to the great lakes. This claim also included all of Illinois.

15. The State of New York also claimed the territory west of the Alleghany Mountains, but on quite a different ground—treaties between New York and the Indian "Six Nations." These were a confederacy of tribes living within the limits of the present State of New York. They were fierce and warlike savages, and before the American War of Independence had succeeded in overcoming their Indian neighbors on all sides. Their war parties roamed as far west as the Mississippi, and compelled the conquered tribes to admit some sort of supremacy of the victors. Then the authorities of New York made several treaties with the Indian confederacy, by which in turn that colony

acquired a supremacy over the Six Nations and their land. Accordingly New York claimed all the land which the confederacy had conquered, which meant about all the space enclosed by the Alleghanies, the great lakes, and the Mississippi. It will be seen that this, too, included all of Illinois.

16. Western Land Ceded to the United States—These conflicting claims to the same land on the part of Massachusetts, Connecticut, New York, and Virginia led to many disputes and much trouble. Indeed there were other claims than those which have been detailed, which were settled only with great difficulty. But it was clear that the rivalry for the vast domain beyond the Ohio would strain the republic seriously. In fact, the State of Maryland, which made no claim to western land, would not consent to the Articles of Confederation until it was settled that the claimant States would cede their western territory to the Union. New York led the way in 1780, and the other States followed not long after. The Virginia cession was made in 1784, and comprised all the land northwest of the Ohio River. The cession of Massachusetts was made in 1784, and that of Connecticut in 1786. Thus the land included within the present State of Illinois came to be owned by the United States.

The cessions by the States, with some few exceptions, gave to the Union both the ownership of the soil and governmental jurisdiction over it. One of the exceptions was the stipulation that the white settlers (mostly French) already living in the ceded territory should continue to own the farms and homes which they already occupied.

THE GOVERNMENT OF THE CEDED TERRITORY

17. French Settlers—The first white settlers within the limits of Illinois were French. The main French settlements in North America, it will be remembered, were at Quebec and Montreal, on the St. Lawrence, and at New Orleans, near the mouth of the Mississippi. Communication between these remote points was effected by means of boats, which were paddled up the great lakes and up some stream which flowed into the lakes, were then carried overland and launched again in a stream whose waters flowed toward the Mississippi, and thus in time floated down the great river to New Orleans.

There were several of these routes between the lakes and the Mississippi, each with its "portage," as the path was called over which the boats were carried from stream to stream. One was up Green Bay and Fox River, and then down the Wisconsin River to the Mississippi; another was up the Chicago River, and down the Desplaines and the Illinois; another was up the St. Joseph's River, and down the Kankakee and the Illinois. There were also several ways of reaching the Ohio River from the lakes, one being by way of the Wabash River. The route by the Illinois River was a favorite one, as the streams traversed have a comparatively sluggish current, and their headwaters are so interlaced that the portages are not very long or difficult.

For the protection of these routes, as well as for the prosecution of the fur trade with the Indians, small settlements were established at various points. Among

them were Kaskaskia, on the river of that name near its junction with the Mississippi; Cahokia, on the Mississippi nearly opposite the present city of St. Louis; and Vincennes, on the Indiana side of the Wabash River. At each of these places was a fort with a garrison of French soldiers. The most elaborate French fort, however, was Fort Chartres, on the Mississippi between Cahokia and the mouth of the Kaskaskia. During the period of French control, the Northwest was sometimes a part of Louisiana, and so subject to the government at New Orleans; at other times a part of Canada, and so subject to the government at Quebec.

18. English Government—After the transfer of the territory to England in 1763, English garrisons replaced those of France (1765), and the government was in the hands of the military officers at the various posts. In 1774, however, an act of the British Parliament, the "Quebec Act," extended the limits of Canada to the Ohio and the Mississippi. This made the Illinois country subject to the British military government at Quebec. However, the same act of Parliament extended over all the province the old French law, to which the people were accustomed.

19. A County of Virginia—In 1778 the Illinois country was occupied by Virginia troops, and the legislature of that State passed an act providing for a regular civil government. All the land north of the Ohio which Virginia claimed was formed into a county which was named "Illinois." A military officer was appointed to take charge of the civil government, with the title of "lieutenant-commandant." He organized courts of law, and acted as a sort of deputy governor, under the governor of Virginia. This arrangement

lasted until 1784, when Virginia ceded her land claims north of the Ohio to the United States. Congress did not immediately take any steps for the organization of the new territory, so for several years the settlers had practically no government, excepting such as they were able to provide for themselves.

20. The Ordinance of 1787—In 1787 Congress * at last took action for the proper government of the territory which had been ceded to the United States by the several States. The law which was passed was the famous "Ordinance of 1787." All the ceded land bounded by Pennsylvania, the Ohio River, the Mississippi, and the great lakes was formed into a single territory to be known as the "Territory Northwest of the Ohio River," more commonly known as the "Northwest Territory." The government was to be in the hands of a governor, secretary, and three judges, to be appointed by Congress. The governor and judges were empowered to select from the laws of the existing States such as would be applicable to the Territory. It was provided that as soon as there should be five thousand free white persons of full age in the Territory, there should be a law-making body to be known as the General Assembly, which should consist of the governor and two houses, the Legislative Council and the House of Representatives. The members of the House of Representatives were to be elected by the people, the members of the Council, five in number, were to be appointed by the Congress from ten nominated by the House of Repre-

* The Congress under the Articles of Confederation—the new Constitution had not yet been adopted.

sentatives. The General Assembly by joint ballot was to elect a delegate to Congress, who should have the right to speak, but not to vote.

Another important stipulation was that the Territory in due time should be cut up into States, which should be admitted to the Union on an exact equality with the old States. These new States should be not less than three nor more than five in number. If there should be three States, the westernmost was to be bounded by the Mississippi, the Ohio, and Wabash rivers, and by a line drawn from Vincennes due north to the international boundary. It will be seen that if this plan had been adopted, Illinois to-day would have included all of Wisconsin, the upper peninsula of Michigan, and Minnesota east of the Mississippi. But it was also agreed that Congress might, if it thought best, form either one or two additional States from that part of the territory which should lie north of a due east and west line drawn through the most southerly point of Lake Michigan. Had this plan been exactly carried out, Illinois would have no part of the shore of Lake Michigan, but Chicago and nearly all of the northern fourteen counties of the State would be a part of Wisconsin.

21. The Northwest Territory—Congress appointed Gen. Arthur St. Clair, a Revolutionary veteran, as governor of the Northwest Territory. The first American settlement was made at Marietta, in the present State of Ohio, in April, 1788. In the following July Governor St. Clair arrived, and the territorial government was set in motion. One of his earliest acts was to create a county to include Marietta and the adjacent settlements, and to appoint officers

for its government. This county, which comprised all of the present State of Ohio east of the Scioto River, he named Washington. It is the oldest county in the States which have been formed from the Northwest Territory.

22. The Ordinance under the Constitution—In the spring of 1789 the new government of the United States under the Constitution went into operation. August 7th of that year Congress amended the ordinance of 1787, so that officers of the Territory to be appointed by Congress were thereafter to be appointed by the President with the approval of the Senate. President Washington at once reappointed Governor St. Clair.

23. The First American Laws—The first American laws which were supposed to be in force throughout the Illinois settlements were those selected by Governor St. Clair and the judges at Marietta in the summer of 1788. But, as a matter of fact, no provision was made at the outset for any legal organization in the remote parts of the Territory, and so the odd condition which had prevailed since 1784 continued for some time longer.

24. St. Clair County—In February, 1790, however, at the suggestion of President Washington, Governor St. Clair arrived at Kaskaskia, and proceeded to organize a suitable local government. He created a county, which was named St. Clair, embracing all of the present State of Illinois bounded by the Ohio, the Mississippi, and the Illinois rivers, and a line drawn from Fort Massac (on the Ohio) to the mouth of the Mackinaw River. Within this county courts of law were established, and a sheriff and county clerk

appointed. Cahokia was made the county seat. St. Clair County was the first within the limits of Illinois, and the courts and officers appointed by Governor St. Clair formed the first local government within Illinois under the laws of the United States.

25. Second Grade of Territorial Government—In 1798, the white population of the Northwest Territory having passed the minimum of five thousand prescribed by the ordinance of 1787, the governor and judges ceased to have legislative powers, a territorial legislature taking their place. This made what is known as the *second grade* of government for a Territory. The people elected their representatives to the lower house of this legislature, two of the twenty-two being chosen from the Illinois settlements. The legislature chose the secretary of the Territory, William Henry Harrison (afterward President of the United States), as delegate to Congress.

26. The Territory of Indiana—In 1800 the Northwest Territory was divided by act of Congress, the portion lying west of a line drawn from the Ohio at the mouth of the Kentucky River to Fort Recovery, and thence due north to the British boundary, being organized as the Territory of Indiana. The capital of the new Territory was put at Vincennes. The government of Indiana Territory was made of the first grade, like that of the Northwest Territory before 1798. President John Adams appointed the territorial delegate in Congress, William Henry Harrison, as governor of Indiana.

27. The Second Grade for Indiana—The act of 1800 provided that Indiana might have a government of the second grade whenever the people should so

vote. An election was held on that question in 1804, and the majority was in the affirmative. Accordingly Governor Harrison issued a proclamation calling an election for nine representatives to form the lower house of the legislature. This body was duly organized in 1805.

28. The Boundaries of Indiana Changed—When Ohio was admitted to the Union as a State (1802), the eastern boundary of Indiana Territory was moved to the east, the new line beginning at the mouth of the Great Miami River. In 1805 (January 11th) the northern part of Indiana Territory was cut off and formed into the Territory of Michigan. The southern boundary was a line drawn from the southernmost point of Lake Michigan east to Lake Erie ; the western boundary was a line drawn from the same southernmost point of Lake Michigan through the middle of that lake to its northern extremity, and thence due north to the British line. Indiana Territory thereafter included nearly all of the present States of Indiana and Illinois, together with all of Wisconsin and the eastern part of Minnesota.

ILLINOIS A TERRITORY

29. The Act of 1809—There was much discord between the eastern and western parts of Indiana. The settlements in the Illinois country and those about the Wabash River were separated by many miles of uninhabited land, and their interests were quite different. These facts led to an earnest movement in favor of a still further division of the Territory. Congress was finally induced to grant the request, and in 1809 (Feb-

ruary 3d) passed an act creating the Territory of Illinois. It was to take effect on the first day of March in that year. The Territory was bounded by the Mississippi, the Ohio, the Wabash, a line due north from Vincennes, and the British boundary. The government was to be of the first grade, like that originally put in force for the Northwest Territory and in the Territory of Indiana, with the proviso, however, that change might be made to the second grade whenever satisfactory evidence should be given to the governor that such was the desire of a majority of the freeholders (landowners). The capital was fixed at Kaskaskia. On the recommendation of Henry Clay, Judge Ninian Edwards, of Kentucky, was appointed governor of Illinois (April, 1809) by President Madison. In 1812 the Territory was advanced to the second grade of government, Congress, however, allowing both houses of the legislature to be elected by the people.

30. Population—At the time of the treaty of 1763, the French settlements in the Illinois country were estimated to number about 2,000 white people, with perhaps 900 negroes (mostly slaves). Many of these crossed the Mississippi in order to escape from the rule of their hereditary enemies, the British. After Clarke's conquest in 1778 American settlers began to come to the country, but for some years the immigration probably hardly exceeded the emigration of the old French settlers. In 1800 it was estimated that there were 2,000 whites in the Illinois country—1,200 French and 800 Americans. The census of that year gave a total population of 50,946 in the whole Northwest Territory, Indians, of course, not included.

When the Indiana Territory was formed, in 1800, it was supposed to contain about 5,000 whites, with perhaps 100,000 Indians. The Illinois Territory, in 1809, was conjectured to have about 9,000 whites. The census of 1810 showed a population of 12,282.

ILLINOIS A STATE

31. Enabling Act of 1818—After the War of 1812 migration flowed steadily into the Territory, so that by 1818 there were supposed to be 40,000 people. The census of 1820 gave Illinois 55,162. A petition from the people of the Territory for statehood was heeded by Congress, an act being passed April 18, 1818, defining the boundaries of the proposed State, and authorizing the people to hold a convention for the formation of a State constitution.

32. Boundaries of the State—The eastern boundary of the Territory had been altered slightly in 1816, when Indiana was admitted as a State. The line fixed at that time followed the middle of the Wabash River from its mouth, "to a point where a due north line drawn from the town of Vincennes would last touch the northwestern shore of the said river, and from thence by a due north line until the same shall intersect an east and west line drawn through a point ten miles north of the southern extreme of Lake Michigan." *

In thus fixing the boundary of Indiana, two things are to be noticed. The first is, that the new line from the mouth of the Wabash was so drawn that no part

* Enabling Act for Indiana, 1816, § 2.

of the eastern shore should be in Illinois, a much more convenient arrangement than was afforded by the act of 1809. The second thing is that, contrary to the provision of the ordinance of 1787, Indiana was carried ten miles north of the east and west line drawn through the southernmost point of Lake Michigan. This was for the purpose of giving the new State a frontage on the great lake.

In the enabling act for Illinois, the eastern line was made the western line of Indiana. Then from the northwestern corner of that State the Illinois line was made to run east to the middle of Lake Michigan, thence north, along the middle of the lake, to the latitude of 42° 30′, thence west to the Mississippi River. Thence the line ran down the middle of the river to the Ohio, and thence along the northwestern shore of the Ohio to the point of beginning at the mouth of the Wabash.*

By the terms of the ordinance of 1787 the north line of the State would have been an east and west line drawn through the southernmost point of Lake Michigan; in other words, the line of north latitude, 41° 37′ 7.9″. The northerly extension to 42° 30′ was for the sake of giving Illinois also a frontage on the lake. In later years the people of Wisconsin and those of the northern counties of Illinois remonstrated vigorously against the expansion of Illinois.

33. Illinois Admitted to the Union—The convention provided in the enabling act was duly elected by the people, and met at Kaskaskia in July, 1818. On the 26th of August a constitution for the State was

* Enabling Act for Illinois, § 2.

adopted by the convention, and on the 3d of December Congress accepted the same and declared Illinois duly admitted as a State of the Union. Meanwhile an election for State officers had been held, and the legislature met for organization in October. In January, 1819, the month after Congress had formally admitted Illinois to the Union, the legislature reconvened at Kaskaskia, and the machinery of State government was put in motion.

34. Constitution of 1818—The Constitution of 1818 was not submitted to the people for their approval. By its provisions not many State offices were elective. The people chose the governor, lieutenant-governor, and members of the two houses of the legislature, besides the sheriff and coroner in each county. The judges and nearly all other State officers were chosen by the legislature. The governor did not have the veto power. In various other ways the first Constitution of the State did not prove wholly satisfactory; still it continued the supreme law of the State for thirty years.

35. Constitution of 1848—In 1847 a second convention was held and a new constitution was drawn up. This was referred to the people, and was ratified at an election held in March, 1848. The Constitution went into effect April 1st following.

36. Proposed New Constitution of 1862—In 1862 a third constitutional convention was held, and a revised constitution was submitted to the people, only to be rejected by a decisive majority.

37. Constitution of 1870—A fourth convention was held in 1869–70, and a fourth plan for a constitution was devised. This, the third Constitution which Illi-

nois has had, was adopted by vote of the people, July 2, 1870.

38. The State Capitals—The seat of the Territorial government of Illinois was Kaskaskia, and this was also the first State capital. The Constitution of 1818, however, provided that Congress should be petitioned for a grant of land on the Kaskaskia River, somewhat near the centre of the State (east and west), on which should be built a new town, which should be the seat of government.* Thereafter, and immediately, if the petition should be denied, the legislature was authorized to fix the capital at discretion.

Congress granted the petition, and commissioners appointed by the State Legislature selected the site on which the town of Vandalia was afterward built. As the land belonged to the State, lots were sold to private individuals, and with the proceeds public buildings were erected. The State archives were removed to Vandalia in December, 1820.

Before the twenty-year limit fixed in the Constitution of 1818 had expired, action was taken by the legislature again to change the location of the capital. The growth of population had been very great in the northern part of the State, and therefore an act was passed in 1837 fixing the seat of government at Springfield, where it has since remained. The change was actually made in December, 1839.

39. The Metropolis—Chicago at the outset was merely a United States fort—Fort Dearborn—which was situated on the shore of the Chicago River near the present Rush Street bridge. When the plan of

* Ill. Const. of 1818, Schedule, § 13.

the Illinois and Michigan Canal was adopted, a strip of land along its route, five miles wide on either side, was granted by Congress to the State of Illinois for the purpose of raising the money needed. In 1830 the Canal Commission had a portion of this land surveyed and laid out in town lots (p. 34). This was the town of Chicago, and the sale of these lots brought the first income to the canal project. At that time there were only seven families residing in the vicinity outside of Fort Dearborn. In 1831 Cook County was organized, with far more than its present area, and Chicago was made the county seat. In 1833 Chicago was incorporated as a village, the population being 350. In 1837 a city charter was obtained, the population at the city census in July of that year being 4,170. The population by the census of 1890 was 1,099,850, and by the school census of 1898 was estimated at 1,851,588.

CHAPTER II

THE LAND AND THE PEOPLE

1. Boundaries of Illinois—The State of Illinois is nearly surrounded by water—the Mississippi River on the west, the Ohio River on the south, the Wabash River on the east, and Lake Michigan on the north-east.

2. Rivers—The rivers which flow through the State have in most cases a southwesterly course, and empty into the Mississippi; the Rock, the Illinois, and the Kaskaskia being the principal ones. There are also some small affluents of Lake Michigan and of the Wabash and Ohio rivers. The Desplaines, one of the two streams which unite to form the Illinois, rises near Lake Michigan, and flows not far from the Chicago and Calumet rivers, affluents of the lake. The Indians and French explorers in the old days took advantage of this fact to carry their canoes over the short "portage," and in this way to pass easily from the waters of the lakes to the waters of the Mississippi. The divide between these two systems of water communication is so low that the State has pierced it with a waterway—the Illinois and Michigan Canal—and a great drainage channel has also been cut, the effect of which is expected to be that the Chicago River will flow from the lake and will empty its waters into the Desplaines.

3. Surface and Soil—The surface of the State is quite level, being for the most part prairie with rich black soil and with few trees. Two lines of hills are found, one in the north and one nearly in the extreme south. The prairie soil makes the best of farm lands, and the agricultural riches of Illinois are among the greatest in the Union.

4. Coal and Lead—Bituminous coal is found in many parts of the State, and lead mines in the northwestern part, near Galena.

5. Railroads and Manufactures—Railroads reach in every direction, making travel and the transportation of merchandise easy and comparatively inexpensive. Manufacturing industries of many kinds have sprung up and flourish, affording employment to many thousands of people. Thriving cities are found in every section—Chicago, on Lake Michigan, being the second city of the United States in population.

6. Indians—The earliest white settlers of Illinois, the French from Canada, found its prairies possessed by a number of Indian tribes. The most prominent were the Illinois Confederacy, from whom the river and the State have the name. This confederacy consisted of five tribes—the Tamaroas, Michigamies, Kaskaskias, Cahokias, and Peorias—and lived in the central and southern parts of the State. Besides these there were the Shawnees, near the Ohio; the Piankeshaws, in the southeast; the Sacs and Foxes, in the northwest, and the Kickapoos and Potawatamies, near Lake Michigan. These tribes have long since disappeared from the State, some few of their descendants being found in the Indian Territory and in reservations elsewhere.

7. French—The French settlements in Illinois were not very many or very large. They were merely a few villages of farmers and fur-traders scattered along the Illinois, the Kaskaskia, and the Mississippi rivers. Kaskaskia was the main settlement; Fort Chartres, on the Mississippi, was the chief stronghold. The total number of French inhabitants in 1765, when the British took possession, probably did not exceed 1,400, and that number was diminished rather than increased in later years. This did not include negro slaves, of whom there were several hundred.

8. Americans—After Illinois became a part of the United States, American settlers began to find out the value of its rich prairies, and so to come in considerable numbers. The only route followed for many years was by way of the Ohio River, and the early American settlers came mostly from Southern States—Kentucky, Tennessee, Virginia, and others. Their settlements were mainly in the southern part of the State. Later it became easier to travel by the great lakes, and immigrants came in that way from Northern and Eastern States.

9. European Immigrants—When the great tide of immigration from Europe to America set in, large numbers came to Illinois from almost every European country, Germany and the Scandinavian lands in particular. The railroads, too, brought a still greater population from Eastern States. The descendants of all these different classes of immigrants compose the people of Illinois to-day. But whatever their ancestry, they are all Americans now.

CHAPTER III

POLITICAL DIVISIONS OF THE STATE

1. Permanent and Temporary Divisions—For convenience of government the State is divided into a number of smaller areas. Some of these are relatively *permanent—i.e.*, they may be changed, and in fact are changed more or less, but at the same time there is no provision for their periodical change. Other divisions of the State are relatively *temporary—i.e.*, they are intended to be changed at rather frequent intervals.

A further difference between these two classes of subdivisions lies in the fact that in one of the permanent areas many functions of government are performed, while in one of the temporary areas there is generally but a single function.

PERMANENT DIVISIONS

2. Counties—First of all, the State is divided into *counties*. This is a division which the original English colonies introduced, copying it from England. It is now common to all the States. Louisiana calls the divisions *parishes*, it is true, but they are the same thing.

The first county established within the present limits of Illinois was St. Clair. This was organized by Gov-

ernor St. Clair, of the Northwest Territory, in 1790, and included all the land contained by the Mississippi, the Ohio, the Wabash, and the Illinois rivers and a line drawn from the Wabash to the mouth of the Little Mackinaw Creek, at its confluence with the Illinois.

Under the Constitution of the State, the power to organize counties belongs to the General Assembly. There are now 102 counties in Illinois.

The power of the Legislature is limited, however, by some specific requirements. No action may be taken which will make a county area to be less than 400 square miles. No changes may be made in county lines without the assent of the people concerned (Ill. Const., Art. X., §§ 1–3). The day of vast counties largely uninhabited is long since gone by, and changes are not likely, unless in a case such as that of Cook County, in which a great city population makes county government rather cumbersome.

Counties are always given a name, usually that of some man prominent in national, State, or local affairs (p. 123).

The village or city in which the principal functions of county government are performed is called the county seat. This place is fixed by the act of the General Assembly which creates the county. But no change of such place may be made unless with the assent of three-fifths of the voters of the county, and no county line may be made to run within less than ten miles of a county seat (Ill. Const., Art. X., §§ 1, 4).

3. Towns—For the further convenience of local government, any county whose people so desire is divided into *towns*.

4. Townships—In the State Constitution, and in a part of the statute enacted by the General Assembly, the term *township* is used as applied to these divisions of the county (Ill. Const., Art. X., § 5).* But at the same time both Constitution and statute also use the term *town* in the same sense (Ill. Const., Art. X., § 7).† As a matter of fact, *township* is a term properly used only in the sense of the United States land survey, and always means a piece of land six miles square (p. 31). Doubtless in the act of Congress for the land survey, as well as in the State Constitution as adopted in 1848, it was the expectation that as settlement was made the survey lines would coincide with areas which would be convenient for government. In that case *town* and *township* would be identical.

But it has turned out that in many cases it is inconvenient to have the two areas coincide, so that not a few towns are quite different geographically from Congressional townships, one *town* often containing portions of two or more *townships*. For this reason we shall speak of *townships* only in the sense of the land survey, and of the subdivisions of a county for purposes of local government always as *towns*. In this sense of the terms, it will be noticed, also, that *towns* are always named, while *townships* are always numbered.

At this time (1899) 83 of the 102 counties of the State are divided into towns.

5. How Towns Are Formed—A county may be divided into towns whenever a majority of the voters at a general election favor the proposition. In that

* Rev. Stat., c. 139, §§ 1–4. † Rev. Stat., c. 139, §§ 5–8.

case it is the duty of the county board to appoint three commissioners for the purpose of making the division. The commissioners are to make the towns coincide with Congressional townships when it is convenient to do so.*

6. Names—The commissioners select names for the towns, following the wishes of the inhabitants, if they have definite wishes. But no two towns in the State may have the same name.†

7. The Land Survey—When the States began to cede their western lands to the United States, it became desirable to establish a uniform system of land survey, so that there should be no material difficulty in describing any portion which might be sold.‡

8. The Rectangular System—Congress appointed a committee, of which Thomas Jefferson was chairman, to consider the subject, and this committee recommended what is called the *rectangular system*. With some modifications the plan of the committee was adopted by Congress (1785), and that plan, with variations in detail, is the system which has been in use ever since.

9. Townships—The essence of the plan is merely to divide the public land into squares by a series of lines running north and south and east and west. These squares, each 6 miles on a side, or 36 square miles in area, are *townships*, usually called *Congressional* townships, because provided by act of Congress.

10. Sections—Each township is subdivided by a further series of lines into 36 squares, each containing

* Rev. Stat., c. 139, §§ 1–6. † Rev. Stat., c. 139, § 7.
‡ Donaldson, pp. 178, 587.

one square mile, or 640 acres. These squares are called *sections*.

11. Quarter Sections—Each section in turn is divided into four *quarter sections*, and the quarter section is often further subdivided.

It will be noticed that all the survey lines are intended to run due north and south, or due east and west.

The sections in a township are numbered, beginning with Section No. 1 in the northeast corner, and counting west and then east, and so on alternately to No. 36 in the southeast corner.

12. How Townships Are Numbered—Townships are numbered according to their position with reference to a given north and south line and a given east and west line.

13. Principal Meridian—Through a convenient point, a meridian line is surveyed for a considerable distance north and south. This is called a *principal meridian*.

14. Base Line—Through the same initial point a line at right angles to the principal meridian is run for some distance east and west. This is called a *base line*.

A series of lines parallel to the principal meridian and six miles apart where they cross the base line, and another series of lines six miles apart and parallel to the base line, will evidently form townships about six miles square.

15. Ranges—A series of townships on the same side of the base line and equally distant in number of townships from the principal meridian is called a *range*. Ranges are described by their position east or west of the principal meridian.

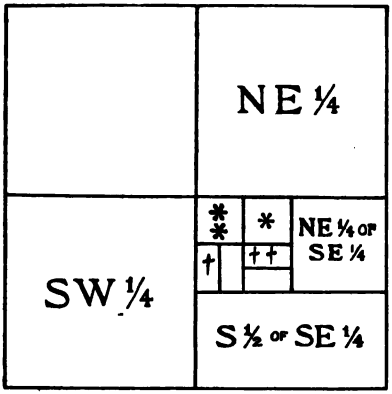
DIAGRAM A

A TOWNSHIP AND ITS SECTIONS

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

DIAGRAM B

A SECTION SUBDIVIDED



1. A *section* is divided into four quarter sections, of 160 acres each, described by the points of the compass; *i.e.*, the northeast quarter = NE ¼.

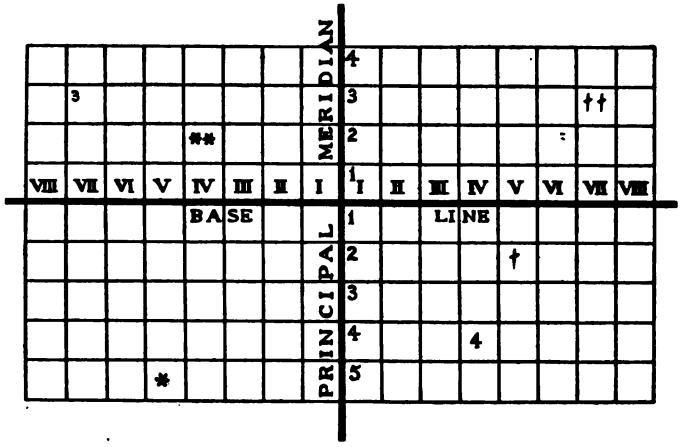
2. A *quarter section* is further subdivided, and the subdivisions are also described with reference to the points of the compass.

3. Describe the divisions marked ⁂, *, †, ††, and give the area of each.

It is suggested that other problems be given by the teacher until the pupils thoroughly understand the system of land surveys and designations.

Townships within a range are numbered from the base line, north and south.

DIAGRAM C



The description of townships with reference to a principal meridian and its base line; *e.g.*, township 3 north in range VII. west of the given principal meridian; township 4 south in range IV. east of the given principal meridian.

In this way describe the townships marked *, **, †, ††.

The first survey of Chicago for town lots in 1830 (p. 24) was described as follows: The south half of section 9 of township 39 north in range XIV. west of the third principal meridian. This is the area included by State, Kinzie, Desplaines, and Madison streets.

16. Convergence of the Meridians—It was said that the two series of lines above described would form townships "about" six miles square. That these townships would not be exactly square is due to the fact that as the meridians run north they converge. Therefore it is evident that the east and west boundary

lines of a township are not quite parallel, that the township is not quite square, and that no township will contain exactly thirty-six square miles.

Further, it is evident that in only a part of the townships is it true that even the southern boundary line is six miles long. In the ranges lying north of the base line, for instance (Diagram C), only the townships resting on the base line have a six-mile southern line. The southern boundary of each other township in the range is shorter than the corresponding line of the township immediately south.

If the survey should be carried on without regard to these facts, it is plain that the convergence of the meridians would, at a considerable distance north from the base line, result in making townships of very much less than thirty-six square miles, while if the southern ranges should begin six miles wide on the base line, the divergence of the meridians south would correspondingly increase the area of the townships on that side.

To remedy these difficulties, the following plan is devised:

17. Correction Parallels—Every twenty-four miles north of the base line, and every thirty miles south of it, parallels of latitude are drawn through the principal meridian. These are called *correction parallels*, and extend east and west from the points at which they intersect the principal meridian. Each of these parallels forms a new base, on which are laid off the southern sides of the series of townships immediately north of it. As the full six-mile extent is used in laying off these southern sides, it is evident that with each correction parallel the whole process begins over

again. In this way the loss occasioned by the convergence of the parallels is prevented from going on perpetually increasing.

18. Guide Meridians—As a further convenience, at every forty-eight miles on the base line, reckoning both ways from its intersection with the principal meridian, a new meridian line is surveyed north and south. These are called *guide meridians.*

19. The Principal Meridians—The principal meridians from which the public land of the United States is surveyed are not at uniform distances apart, being drawn merely through such points as may be most convenient.

The first principal meridian is the boundary line between Ohio and Indiana, being drawn from the Ohio River north on the line of 84° 51′ longitude west from Greenwich. Ohio lands are surveyed from this line.

The second principal meridian extends through Indiana, from the mouth of the Little Blue River to the northern boundary of the State, on the line of 86° 28′ west longitude. From this line are surveyed the lands of Indiana and a part of those of eastern Illinois.

The third principal meridian starts from the mouth of the Ohio River, and extends to the northern boundary of Illinois, on the line of 89° 10′ 30″ west longitude. From this line are surveyed (1) all the lands of Illinois east of it, excepting those which are surveyed from the second principal meridian; and (2) all the lands lying west of the third meridian but east of the Illinois River.

The fourth principal meridian extends from the middle of the channel at the mouth of the Illinois River north to the Canada boundary, on the line of

90° 29′ 56″ west longitude. From this line are surveyed all the lands of Illinois west of the Illinois River and (on the north of that river) all the lands west of the third principal meridian. The fourth meridian is also used for Wisconsin and Minnesota surveys.

Still farther west are two other principal meridians, the fifth and the sixth. Others are named instead of being numbered—the Michigan meridian, the Tallahassee meridian, the Montana meridian, for instance. There are eighteen which are named.

20. Illinois Base Lines—The base line of the third principal meridian, from which most of the land of Illinois is surveyed, crosses the State from the Wabash River in Wabash County to the Mississippi in St. Clair County. The base line of the fourth principal meridian extends from the Illinois River in Schuyler County to the Mississippi in Adams County.

21. Illinois Surveys from Second Principal Meridian—It is only a narrow strip of towns and fractional towns at the eastern edge of the State which is surveyed from the second principal meridian. Its base line is on the same parallel as that of the third meridian.

22. School Townships—It has been seen that in dividing counties the towns are to coincide with the townships of the United States survey as far as may be practicable. In many cases, however, the town and township lines do not coincide. The State school law, however, makes the Congressional township, and not the town, the unit of administration. Hence a school township always coincides with some Congressional township.*

* Rev. Stat., c. 122, § 30.

23. Cities and Villages—The division of the State into counties and towns, as has been explained, is for convenience of local government, while the divisions made by the land survey are mainly for the purpose of identifying parcels of land when they are sold. As people come to live quite near one another, however, rather than on scattered farms, a different sort of government becomes necessary from that which answers for counties and towns. For this reason the State law provides a plan for governing cities and villages, and certain areas are laid off and included within the limits so governed The only real difference between a city and a village is that the former usually has more people than the latter.

A village is usually included within the limits of a town, if the county is divided into towns. A city may cover the whole or parts of several towns. Chicago, for instance, comprises within its limits seven entire towns of Cook County, and parts of others.

We class cities and villages within the permanent political divisions of the State, because a given municipality being once formed it is not intended that it shall be wiped out. Provisions are made in the law for extending the limits of cities and villages in order to keep pace with the spread of population, and in this way many of the cities, especially, have grown to a very great extent.

24. Wards—A city council is empowered to divide the city into *wards* for further convenience. The ward should, perhaps, strictly be classed among the temporary political divisions, but it is put here for convenience. The number of wards in a city may be

one-half the number of aldermen to which the city is entitled, but in no case may exceed 35.*

25. Park and Drainage Districts—The law of the State provides for the formation of *park districts* and of *drainage districts*, the affairs of which in each case are controlled by a board of commissioners. These boards are, so far as their immediate purposes are concerned, quite independent of other local authorities.†

TEMPORARY DIVISIONS

26. There is a second class of political divisions of the State which are intended as a rule for but a single purpose of government, and which may be changed quite frequently. These we may call *temporary* divisions.

27. Congressional Districts—The State is entitled to a certain number of members in the Federal House of Representatives, the number depending on the population of Illinois compared with the total population of the United States. After each decennial national census Congress passes a new law fixing the number of representatives to which each State is entitled. Under the law based on the census of 1890 Illinois has twenty-two. The act of Congress requires that these shall be elected in separate districts, and permits the State Legislature to form the districts under certain conditions (p. 197–8). These conditions are, that the several districts shall be compact and composed of contiguous territory, and that as nearly as may be practicable they shall have an equal number of inhabitants.

* Rev. Stat., c. 24, §§ 51, 30. † Rev. Stat., c. 105, c. 42.

Districts are formed by joining several contiguous counties or by dividing counties. After each national reapportionment of congressmen the Legislature makes a totally new division.

28. State Senatorial Districts—The Upper House of the State Legislature of Illinois contains fifty-one members. The State Constitution requires that these shall be elected in districts, and that the Legislature shall apportion the State into these fifty-one districts every ten years—*i.e.*, after the decennial census (Ill. Const., Art. VI., § 6). The Constitution also requires that the districts shall be formed of compact and contiguous territory, and that they shall contain, as nearly as practicable, an equal number of inhabitants. Counties may not be divided between different districts, excepting counties of so large population that they are each entitled to two or more senators. No district which contains an entire county can contain a part of any other county. Cook is the only county which is divided under the present law.

29. Judicial Districts—Supreme Court—The Supreme Court of Illinois consists of seven judges, elected by the people in as many judicial districts. The State Legislature is empowered to alter the districts at will, subject to the same limitations as in the case of senatorial districts, and to a further limitation as to the time of alteration (Ill. Const., Art. VI., §§ 2, 5).*

Until 1897 the State was divided into three grand divisions, in each of which successively the Supreme Court met. These grand divisions were abolished, however, by act of the Legislature in 1897, and the

* Rev. Stat., c. 37, § 2.

Supreme Court now meets only at Springfield (Ill. Const., Art. VI., § 4).*

30. Judicial Districts—Circuit Courts—The next class of courts below the Supreme Court is the Circuit Court. Cook County forms one judicial circuit (Ill. Const., Art. VI., §§ 13, 15).† The Legislature has the power to form the rest of the State into judicial circuits, provided that the total number shall not exceed one circuit for every one hundred thousand of population in the State. The circuits must be of contiguous and compact territory, and as nearly as possible equal in population. County lines must not be divided.

The present law divides the State outside of Cook County into thirteen circuits. In each of these circuits are elected three circuit judges, who hold court successively at the various county seats within the circuit.

31. Election Precincts and Districts—For convenience of elections counties are divided into *precincts*. In counties under town government the town is the precinct. In other counties it is the duty of the county board to determine the precincts.

If any precinct has more than 450 voters it is the duty of the county board to divide such precinct into *districts*, in such way that each district shall contain as nearly 400 voters as may be practicable, and in no case more than 450. Districts must be composed of contiguous territory, and must be as compact as the convenience of the voters will allow. In the month of July, after each general election held in November,

* Rev. Stat., c. 37, § 1.

† Rev. Stat., c. 37, § 72.

the county board may make a readjustment of election districts, whenever it appears that any precinct or district contains more than 450 voters.*

32. School Districts—The school township (p. 156) is managed by a board of school trustees. It is in the power of this board to divide the township into *districts*, for the convenience of school attendance.† On petition of the legal voters interested, the board may change such districts as may be most convenient.‡ If the board denies the request of the petitioners, appeal may be taken to the county superintendent, who may make the change if he thinks best.

33. City Districts—In cities whose schools are controlled by a board of education the division into districts is in the power of that board. In this case no petition by the voters is necessary, and there is no appeal to the county superintendent.

* Rev. Stat., c. 46, §§ 29, 30. † Rev. Stat., c. 122, §§ 75–78.
‡ Rev. Stat., c. 122, §§ 83–85.

CHAPTER IV

THE STATE GOVERNMENT—THE CONSTITUTION

1. The Constitution of Illinois provides a plan for the government of the State. To understand this plan, then, we must first of all consult the Constitution.

As we have seen (p. 22), the State has had three Constitutions. The one now in force was drawn up by a convention which was elected by the people in 1869, and met at the State capital, Springfield, December 13, 1869, to May 13, 1870. The Constitution which this convention proposed was submitted to the voters of the State at an election held for that purpose July 2, 1870. At the election there were 154,227 votes for the proposed Constitution, and 35,443 votes against it. Thus it was accepted by the voters and became the State Constitution in place of the one which had been the law since 1848.

THE PREAMBLE

2. In the Constitution of the United States, and in that of each of the States, there is a sort of preface called a *preamble.* In fact, however, this is by no means either a preface or a preamble—each of which terms implies something not essential, the omission of which would be unimportant.

3. Its Essential Part—the Enacting Clause—The preamble of a constitution contains that which is vitally important—the *enacting clause*, as it is usually entitled. In the Illinois preamble the enacting clause is as follows: "We, the people of the State of Illinois . . . do ordain and establish this Constitution for the State of Illinois." This is all that is really necessary. It contains a statement of four important facts: (1) *Who* it is that make the law—the *people* (*i.e.*, the voters); (2) *what* it is which the people make law—*this Constitution* (*i.e.*, the one drawn up by the convention of 1869-70); (3) *for whom* the Constitution is adopted—*the State of Illinois* (*i.e.*, *all* the people within the State boundaries); (4) *the act* by which the Constitution becomes law—the people *ordain and establish* it (*i.e.*, it is the *will* of the people that it shall be law).

4. Its Non-essential Parts—The remaining clauses in the preamble are legally non-essential, and are inserted to indicate the spirit and purposes with which the Constitution was adopted.

5. The Recognition of God—One of them contains a reference to God as the giver of all blessings. The Federal Constitution of the United States and the Constitutions of many of the States contain no such clause. There is a difference of opinion as to its importance. Some favor it because it is a public and formal recognition of religion. Some hold it unnecessary to embody such recognition in a legal document. Others oppose it on the ground that religion should be a personal and not a political matter.

The remaining non-essential clauses, almost exactly copied from the Federal Constitution, express the purposes of the fundamental law—"to form a more perfect

government, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

The expression of these purposes, as has been explained, is not legally essential. The preamble to the Constitutions of Louisiana adopted in 1845 and in 1852, for instance, is merely this: "We, the people of Louisiana, do ordain and establish this Constitution." This is merely an enacting clause.

THE TERRITORY

6. Boundaries—Article I. defines the boundaries of the State. It will be noticed that a part of this boundary line runs along the middle of Lake Michigan, another part along the middle of the Mississippi River, and a third part not along the middle, but along the northwestern shore, of the Ohio River. Usually when bodies of water like lakes or rivers separate different political divisions, the boundary line runs in the middle of the lake or stream—*i.e.*, midway between the banks in case of a lake, in the middle of the channel or current of a river. But when Virginia ceded to the general government the land which General Clarke conquered, the act of cession read: "The tract of country within the limits of the Virginia Charter . . . northwest of the Ohio River." Of course, then, this gift included no part of the river itself. Hence the northern line of Kentucky (which was a part of Virginia until 1792) follows low-water mark on the north bank of the Ohio.

The proviso at the end of Article I. relates to the

fact that Illinois controls no part of the Ohio River except by special agreement with Kentucky.*

THE PEOPLE

7. The People for whom the Constitution was adopted, and who are subject to it as law, are all the people within the State boundaries. Those who live in the State are subject to the Constitution all the time, and people visiting, or for any purpose temporarily residing, in Illinois, are subject to the Illinois Constitution and laws while here. Hence it is that *all* the people within the State are bound to obey its fundamental law.

8. The State—When we speak of "the State of Illinois" we may mean one of three different things.

We may mean the land comprised within the State boundaries. This is the geographical sense of the term.

We may mean all the people within these boundaries. It is partly in this sense that the preamble says that the Constitution is ordained and established "for the State of Illinois."

We may mean merely the voters in the State. This is what is meant in the preamble by its opening words: "We, the people of the State of Illinois." The people who decided at the polls that the Constitution proposed by the Convention of 1869–70 should be adopted were those who under existing laws were entitled to vote. So, when we say that "the State of Illinois" adopts a Constitution, we refer to the voters.

9. The Political People—For convenience, we may call the voters the political people. They determine

* Rev. Stat., p. 23.

what shall be the Constitution. They elect the principal officers of the government, as we shall see later. Thus they decide the important political questions which have to be settled.

10. Qualifications of Voters — The Constitution prescribes the qualifications of voters. This is merely another way of saying that the Constitution defines the political people. The qualifications in question are found in Article VII. On examination they will be found to be four—citizenship, sex, age, inhabitancy.

A citizen of the United States is any person "born or naturalized in the United States and subject to the jurisdiction thereof" (U. S. Constitution, Amdt. XIV., Sec. 1). In some States persons of foreign birth are allowed to vote if they have taken out their first papers preliminary to naturalization (Pt. I., p. 27). Of course, such persons are not yet citizens, and are still subjects of the country in which they were born. But no person who owes allegiance to a foreign government is permitted to vote in Illinois. This should be the law in every State, and probably will be.

Male citizens of the United States, above the age of twenty-one years, who fulfil the other conditions, are entitled to vote at all elections.* This does not imply that women may not vote at any elections, and the State law permits women to vote for school officers, regents of the State University, county superintendents of schools, and school trustees. Many people believe that women ought to vote at all elections on the same terms as men, and several States (Colorado, Utah, Wyoming) grant such permission.

* Rev. Stat., c. 46, § 332.

The age of twenty-one is that long established by law as the period at which a young man reaches his majority. His previous years are those of his minority. A minor is not wholly independent, and is not capable of performing certain legal acts, like making a contract. This, then, seems a convenient age for acquiring the right of suffrage along with other legal rights.

The requirement of residence is that to be entitled to vote at a given election one should have resided in the State one year, in the county ninety days, and in the election district thirty days next preceding such election. In order to vote intelligently on State questions, it is plain that usually one will need to live in the State long enough to know something about those questions; and in order that one's right to vote may be well understood it is necessary that the residence in county and district may be long enough for the intending voter to be known by his neighbors.

Sections 4 and 5 (Ill. Const., Art. VII.) make some special limitations with regard to deciding what constitutes residence.

The remaining provisions of Section 1, in Article VII., are merely for the purpose of not disfranchising any one who was permitted to vote under the preceding Constitution.

11. Domicile—One's residence is the place of his home—where he lives. The legal term for this place is the *domicile*. But as people, especially in our country, are frequently moving about from place to place, sometimes for business, sometimes for mere pleasure, it is not always easy to decide where the real home is. As a practical way of settling the question, it is usu-

ally held that one's domicile is the place where he is living without having in mind a definite time for leaving it.

But men who are in the service of the Federal government, whether as soldiers or sailors or in the civil service, are liable at any time to be sent to any place where the government needs them, entirely irrespective of their own wishes. Under the Constitution of Illinois such persons neither gain nor lose domicile in the State by reason of government service.

12. Infamous Crimes—In Section 7 there is a further limitation of the right to vote—that right being denied to any persons convicted of an infamous crime. By an infamous crime is meant one the penalty for which is imprisonment in a penitentiary or death.

13. Method of Voting—As the people—*i.e.*, the political people—are the source of all law, it is important that the method of ascertaining their will should be carefully guarded. It is the American theory that the majority shall rule—that the will of a majority shall be considered to be the will of all. But for many purposes it is thought just as well that a majority—which is not always easy to secure when there are several propositions or candidates in question—should not be required, and that a mere plurality shall suffice. Whether it is a majority or a plurality which is sought, it is necessary that the people should cast their votes in such a way, and that when cast they should be counted and reported in such a way, that there can be no doubt as to the exact facts.

The Constitution provides (Art. VII., § 2) that all votes shall be by ballot. In the old times, both in England and in the colonies, a very different method

was practised. A list of the voters was prepared, and at the time set for voting each one came in person before the election officers, answered to his name, and gave his vote audibly. This is called the *viva voce* vote. Of course it was publicly known just how every man voted. This fact made it easy to bribe or to intimidate voters, and to prevent these results the secret ballot has taken the place of *viva voce* voting.

14. The Australian Ballot—Under the laws as they now exist in Illinois it is very easy for any voter to cast his vote in entire secrecy. Care is also taken to insure both accuracy and honesty in counting the votes and in reporting the totals. The system of voting is commonly called the *Australian* system, as it was devised and first used in Australia.

The essentials of the Australian system of voting are these: the ballots are furnished by the government, none other being permitted; the voter while marking his ballot stands in a little booth behind a curtain, so that no one can see what names he marks; no electioneering is allowed within a hundred feet of the polling place.*

15. Nominations—In order to print the ballots in time for the election, political parties must make their nominations for the various offices early enough to file thirty days before the election. Nominations for offices within a county are filed with the county clerk, others with the secretary of state.

Nominations are usually made by political conventions. Any party which at the last preceding general election cast two per cent. of the votes is entitled to

* Rev. Stat., c. 46, §§ 288–328.

have the names of its candidates on the official ballot. Other nominations may be made also by petitions signed by a reasonable number of persons—1,000 in case of a State office, and for other offices a number proportionally less. Such nominations are entitled to a place on the ballot.

16. Voting—The names of candidates are arranged on the ballot in columns, those of one political party being in a single column, headed by the party name. Before this name is a small circle, and before the name of each candidate is a small square. The voter who wishes to vote for the entire ticket of a party places a cross (X) in the proper circle; otherwise he places a cross in the square preceding the name of each candidate for whom he wishes to vote. He may if he chooses write in the name of a new candidate and place a cross before it. After being marked the ballot is folded and placed in a box which is in charge of the election officers.

A sample ballot (in part) is appended:

○ DEMOCRATIC	○ REPUBLICAN	○ PROHIBITION
For Governor	*For Governor*	*For Governor*
☐ JOHN M. PALMER	☐ JOSEPH W. FIFER	☐ DAVID H. HARTS
For Lieutenant-Governor	*For Lieutenant-Governor*	*For Lieutenant-Governor*
☐ ANDREW J. BELL	☐ LYMAN B. RAY	☐ JOSEPH L. WHITLOCK
For Secretary of State	*For Secretary of State*	*For Secretary of State*
☐ NEWELL D. RICH	☐ I. N. PEARSON	☐ JAMES R. HANNA

17. The Voting Machine—A very curious voting machine has been invented, which may take the place

of the Australian ballot as above described. The machine is placed within a booth, so that the voter can indicate his choice in private. The names of candidates are arranged on the face of the machine just as on an Australian ballot. In place of the circle and squares there are little knobs. By pressing on these knobs the voter records within the machine his vote, either for his entire party ticket, or for individual candidates, as he may prefer. Pressing on the knobs also locks the machine, so that no other vote can be recorded until the voter has left the booth. When the election time has expired the machine is locked, and no more voting can be done. The election officers then open a door at the back, and there they find an exact record of the number of votes cast for each candidate. This machine secures entire accuracy in estimating the returns, and saves very much time. It often takes the election officers hours to count the Australian ballots, while the machine keeps tally as fast as the voting is done.

HOW A CONSTITUTION IS MADE OR ALTERED

18. The Two Processes—Making a new Constitution, and making an alteration in an existing one, imply two quite distinct processes. One is to draw up a Constitution, or an amendment, in a definite form. The other is to decide that the Constitution or amendment thus drafted shall be adopted as law—*ratified*, as it is usually expressed.

Alteration of an existing Constitution may be comparatively slight or quite extensive. The process employed in our States usually differs accordingly.

19. Conventions—For forming a new Constitution, or for extensive amendment of an existing one, it is customary to hold a *convention*. This is a body composed of delegates elected for the purpose by the voters of the State.

20. The Legislature—Comparatively slight amendments are usually drafted by the State Legislature. For this purpose it is thought that a State convention is needless, both on account of the expense and of the time necessarily involved.

21. The People Ratify—In either case, however, it is almost uniformly the practice to submit propositions of amendment, whether drafted by a convention or by the State Legislature, to a vote of the people for ratification. It is this ratification which makes the proposed amendments law.

22. Ratification by the People not always Required—In some States, however, the work of conventions has not been submitted to the people, on the ground that in electing a convention the people virtually entrust that body with full power to act. The first Constitution of Illinois was adopted in this way (p. 22).

The Illinois Constitution of 1848, however, required that for making a new Constitution a convention should be held, and that the results of its action should be submitted to the people for their approval. That is the way in which the present Constitution was adopted.

23. An Illinois Convention—A constitutional convention may be held in Illinois, provided that the State Legislature, by a vote of two-thirds of the members of each house, decides it to be necessary; and

provided further that at the next general election a majority of those voting at that election approve (Ill. Const., Art. XIV., § 1). The Constitution or the amendments proposed by the convention are then submitted to the people at a special election held for that purpose, and require for ratification a majority of those voting at that election.

24. Amendments—Amendments may also be made on proposition of the Legislature by a vote of two-thirds of the members of each house, provided that such proposed amendments receive the approval of a majority of the voters at the next general election (Ill. Const., Art. XIV., § 2). There are two important restrictions on this second method of amendment. The first is that amendments may not be proposed to more than one article of the Constitution at the same session of the Legislature. The second is that amendments may not be proposed to the same article oftener than once in four years. These restrictions make it very difficult to amend the Illinois Constitution at all.

THE STATE GOVERNMENT AND ITS BRANCHES

25. Government Defined — Government is the agency of the people for performing certain duties which are necessary to the general welfare. Among these duties are the making of laws, the prevention and punishment of crime, decision as to the rights of people with reference to one another, and the protection of people in their rights. For the performance of these and other similar duties, the Constitution of Illinois provides for the formation of a government, and entrusts to it, in its several branches, various powers.

26. The Branches—It is a common principle of political science in the United States that government should be separated into three branches, or departments: the *legislative*, the *executive*, and the *judiciary*.

The legislative branch of the government makes laws, the executive administers the laws, and the judiciary decides what the laws mean, and what are the rights and duties of individuals under the laws. The three are sometimes called the *law-making*, the *law-enforcing*, and the *law-interpreting* branches of government.

The Illinois Constitution forbids any one of these departments to perform duties which naturally belong to one of the others, unless the Constitution itself permits (Art. III.).

CHAPTER V

THE STATE GOVERNMENT—THE LEGISLATURE

STRUCTURE

1. The Legislative Department (or *Legislature*) is called the *General Assembly.* It consists of two distinct bodies, the *Senate* and the *House of Representatives* (Ill. Const., Art. IV., § 1). They are sometimes called the Upper House and the Lower House. No measure can become a law unless it receives the approval of both houses.

2. Bicameral Legislatures—A legislature which consists of two houses is called *bicameral* (from the Latin "bi," *two*, and "camera," *chamber;* the houses, as we call them, are called *chambers* in Europe). A legislature of but one house is called *unicameral* ("uni" is the Latin for *one*). The Congress of the United States and the legislatures of all the States are bicameral. We shall see later that for the Illinois counties and cities there are unicameral legislative bodies.

3. Advantages—The main advantage of a bicameral legislature is the fact that every plan for a law has to be debated and voted in two separate bodies. In this way any defects which are overlooked in one house are likely to be detected in the other. On the

other hand, a unicameral legislature is less expensive and can do its work in less time.

4. Differences in the Structure of the Two Houses—In order to make the two houses quite different from each other, they have not the same number of members, the same term of office, and not quite the same constituency. The Senate in Illinois has one-third as many members as the Lower House. The senators are chosen for four years, the representatives for two years. Each senator is chosen by a majority (or plurality) of the votes in his district, while the representatives are chosen in accordance with a peculiar provision called minority representation, which will be explained later.

The powers and duties of the two houses are very nearly the same.

5. Apportionment—There are 51 senators and 153 representatives in Illinois. Each senator is chosen from a district, which consists of one or more counties (or parts of a county). It is the duty of the Legislature each ten years (after the census) to make a new apportionment of Senate districts, making them as nearly equal in population as possible. In order to do this, the population of the State, as ascertained by the last census, is divided by the number of senators, 51. The quotient is the *senatorial ratio*, and the population of each district should be as nearly equal to the ratio as practicable. Very populous counties (like Cook) have to be divided, and have two or more senators.

6. Gerrymandering—In arranging Senate districts it is often possible to put counties together in such a way that one political party has an advantage, and is likely to have a majority in each house of the Legisla-

ture even if the other party has a majority in the State at large. This is called *gerrymandering* (from Elbridge Gerry, once governor of Massachusetts, who has been credited—erroneously, it is now thought—with devising the scheme).

In order to make gerrymandering difficult, the Constitution requires Senate districts to be formed of contiguous and compact territory, bounded by county lines, and to contain as nearly as practicable an equal number of inhabitants (Ill. Const., Art. IV., § 6).

7. Proportional Representation—These requirements, however, do not make gerrymandering impossible. There are some who think that the only way to prevent it, and the only way to ensure fair representation of different opinions among the people, is to abolish the senatorial districts altogether. Members of the Legislature would then be elected by the whole State on a general ticket, and each political party would be entitled to such a proportion of the whole number as the vote cast by that party is of the whole vote cast in the State. This is the plan of *proportional representation.* There are several different ways suggested for working out its details.

8. General Elections—A general election for the choice of members of the Legislature is held on the Tuesday after the first Monday in November of every even-numbered year. The first under this plan was held in 1872 (Ill. Const., Art. IV., § 2).

9. The Senate Changed Gradually—At the election in a year the number of which is divisible by four, the senators from the odd-numbered districts, twenty-six in number, are chosen. At the intervening election, the senators from the even-numbered districts,

twenty-five in number, are chosen. In this way about half the Senate is renewed each two years. This makes the Senate a *continuous* body.

10. The Lower House Changed Totally—At each general election the entire number of representatives are chosen, three from each Senate district. As the term is two years, it is seen that the House of Representatives, unlike the Senate, is wholly renewed at each election.

11. Minority Representation—The three representatives chosen in each Senate district are elected on a general ticket in that district, in the following manner:

Each voter has three votes. He may cast one vote for each of three candidates, or two votes for one candidate and one for another, or all three votes for one candidate, or one and one-half votes for each of two candidates. By this means it is intended that no political party shall be able to elect all three of the candidates in any one district. Thus is secured representation for the minority party (Ill. Const., Art. IV., §§ 6, 7, 8).

In order to put the above system in motion, the Constitution of 1870 made some special provisions, which will be found in Article IV., Section 6, and in the Schedule, Sections 13, 14, 15, and 16.

If a vacancy occurs in either house, by the death or resignation of a member, or otherwise, a special election is held to fill that vacancy.

MEMBERS

12. Qualifications of Members—The qualifications for membership in the Legislature are age, citizenship, and residence. A senator must be at least twenty-five

years old, and a representative at least twenty-one. No person can be a member of either house who is not a citizen of the United States; who has not been for five years a resident of the State, and who has not been for at least two years next preceding his election a resident of the district in which he is chosen.

13. Disqualifications—There are some things which disqualify persons for membership in the Legislature, even if the above qualifications are possessed. These things are the holding of certain public office under the State or the United States (Art. IV., § 3); infamous crime (Art. IV., § 4); or the non-settlement of accounts with the State on the part of a holder of public money (Art. IV., § 4).

14. Oath—No person is entitled to sit as a member of either house until he has taken an oath binding him to support the Constitution of the United States and the Constitution of this State, and declaring that he has given no bribe in connection with his election, and that he has received and will receive no bribe in connection with his official duties. False swearing in this case, or violation of the oath, is punished by deprivation of membership in the Legislature, and disqualification thereafter to hold any office in the State (Art. IV., § 5).

15. Privileges of Members—Members of the Legislature are entitled to freedom from arrest, to freedom of speech, and to compensation for their services.

While going to a meeting of the General Assembly, while attending the same, or while returning home, members may not be arrested, unless for treason, felony, or breach of the peace (Art. IV., § 14).

Treason may be against the United States or against

the State. In either case it consists in taking part in actual warfare against the United States (or the State), or in giving aid to the enemies of the same.

A *felony* is about the same as an infamous crime, *i.e.*, one punishable by death or imprisonment in the penitentiary.

Breach of the peace means disorderly conduct, like an assault, or riot.

The reason for exempting members from arrest on other grounds is to insure their attendance at sessions of the Legislature, and especially to prevent any one's being kept away by arrest on fictitious charges, in order that his vote may not be cast for or against a particular measure.

Freedom of speech is secured by the provision that for any speech or debate in either house members "shall not be questioned in any other place" (Ill. Const., Art. IV., § 14). This means that legal proceedings for libel shall not be brought against a member for anything said on the floor of the Legislature. It is by no means intended that members may not be criticised for their speeches and votes. In fact, they are criticised very freely, both in private conversation and in the newspapers.

16. Salary—Members of each house are paid a salary of $1,000 for each regular session, and five dollars a day for each special session; "mileage," at the rate of ten cents for each mile necessarily travelled in going to and returning from a session; and fifty dollars at each session for stationery and incidentals (Ill. Const., Art. IV., § 21).* This compensation may be changed

* Rev. Stat., c. 63, § 15.

by law, but the change cannot take effect until the expiration of the General Assembly which makes it. The reason for this limitation is obvious.

17. Disabilities of Members—Members of each house are prohibited from receiving any civil appointment from the governor or Legislature during the term for which said members are elected, and from being interested in any contract authorized by law during said term and for one year thereafter.

POWERS OF THE HOUSES

18. The houses taken separately have certain powers.

19. Decide Election Disputes—Each house is the sole judge of all contests relating to the election of members and to their qualifications.

If it is claimed that there has been fraud at an election, or error in reporting the results, so that a person is officially reported as elected who in fact was not elected, the person who claims to be unjustly deprived of membership enters a formal notice of contest. The matter is referred to a committee, which hears the evidence on both sides and reports to the house its opinion and a recommendation. The house then votes to assign the seat to one or the other contestant, as the case may be. From this decision of the house there is no appeal.

In like manner each house decides whether any person who is elected has the constitutional qualifications for membership.

This power of the houses to sit in judgment without appeal in all cases relating to the validity of membership is found also in the Congress of the United States,

and was copied originally from the custom of the British House of Commons. That body, however, has changed its methods in this respect. Experience showed that the decision of the house in cases of contested elections was usually determined by political reasons rather than by the merits of the case. Since 1868, therefore, the power to decide contests over election to the House of Commons has been vested in the courts of law. It has proved to be a much better way of securing justice.

20. Expulsion—Each house has the power to expel any one of its own members. Expulsion, however, requires a vote of two-thirds of all the members of the house.

21. Organization—Each house has the power to effect its own organization, by electing such officers as may be authorized by law. The only exception to this is the fact that the Constitution makes the lieutenant-governor the presiding officer of the Senate. He is not a senator, and has no vote except in case of a tie. The presiding officer of the House of Representatives is called the *speaker*. He is elected by the house from their own number, and has a vote like any other member. He has no casting vote in case of a tie.

When a new General Assembly meets for the first time the secretary of state (p. 86) calls the House of Representatives to order, and presides until a presiding officer is elected by the house. On this occasion the order of proceedings is usually as follows:

The members are gathered in the hall of the house. The secretary of state takes the chair and calls the house to order. Prayer is offered, and the roll is

called from an official list prepared by the State canvassing officers (p. 111). The house then elects a temporary speaker, and the secretary of state retires. Other temporary officers are elected, and the members take the oath prescribed by the Constitution. Permanent officers are then elected, and the house adjourns, often for several days, until the speaker shall have had time to appoint the committees.

22. Officers—The officers of the house authorized by law are the speaker, who presides; the chief clerk, who keeps a record of the proceedings; three assistants for the clerk; the doorkeeper and three assistants, who keep order among the visitors in the galleries and lobbies, see that no unauthorized persons enter, and otherwise aid the house; the postmaster and one assistant, who attend to the mail for members; the engrossing clerk and two assistants, who write out ("engross" on parchment) proposed laws when so directed by the house. There are sometimes other officers.

Employees (Ill. Const., Art. V., § 24), usually appointed by the speaker, are clerks for committees, policemen, pages (boys who carry messages in the house), and the like.

23. Committees—Committees, nearly fifty in number, are appointed by the speaker. Each committee consists of several members, usually an odd number, and has charge of certain kinds of business. Every proposed law (*bill*, it is called) when offered to the house by some member, is at once referred to its appropriate committee—tax bills to the Committee on Finance, for instance. If the committee reports the bill, it is then considered by the house in what is known as

"Committee of the Whole." This is the entire house, with some member in the chair in place of the speaker. Here it is generally discussed. When a vote is taken by the Committee of the Whole, the committee rises, the speaker resumes the chair, and the house, having heard the report of the Committee of the Whole, then debates and takes a final vote on the measure.

Most bills introduced never leave the committee room. Bills reported by standing committees are often passed without material change. It is obvious, therefore, that committees have much power, and that the speaker by his selection of committees can have great influence over legislation.

24. Organization of Senate—The organization of the Senate is quite similar to that of the house. Being a continuous body, however, there is always a chairman and a set of officers and employees, so that little time is wasted in preliminary organization. Of course these officers and employees are changed from time to time. The recording officer of the Senate is called the secretary, and there is a sergeant-at-arms instead of a doorkeeper. It is customary for the Senate to elect a president *pro tempore*, to take the chair in case the lieutenant-governor is absent.

25. Rules—Each house has the power of making its own rules of order. These rules are based on ordinary parliamentary law, adapted to the circumstances and needs of the Legislature.

26. Impeachment—The House of Representatives has the sole power of impeachment, and the Senate has the sole power of trying all impeachments (Ill. Const., Art. IV., § 24).

Impeachment is a formal accusation brought against

a public officer, charging him with some misdemeanor in office. The governor and all civil officers of the State (*i.e.*, all except military officers) are liable to this proceeding (Ill. Const., Art. V., § 15). But another method is provided for taking action against judicial officers who misbehave (p. 70) (Art. VI., § 30).

A majority of all the representatives is required for a vote of impeachment. If such a vote is had, the house then appoints a committee to conduct the case before the Senate (Art. VI., § 24). The latter body acts as a court for the trial of the case, the senators taking a special oath for the occasion. If the governor is on trial, the chief justice presides, as of course the lieutenant-governor is an interested party (p. 82). For conviction a vote of two-thirds of all the senators is required. No further penalty may be inflicted than removal from office and disqualification to hold office thereafter under the State. However, such convicted officer is still liable to be tried and punished by a court of law. Thus, the governor might commit murder. The Senate, on impeachment proceedings, might convict him and remove him from office. Then, as a private citizen, he might be arrested, tried, and punished for the crime, under the laws of the State.

27. Appointments—The Senate also acts as an advisory council to the governor for making certain appointments—such as the Constitution or laws of the State prescribe to be made by the governor "with the advice and consent of the Senate" (Ill. Const., Art. IV., § 10).

THE LEGISLATURE AS A WHOLE

28. Regular Sessions—The Constitution requires a biennial session of the General Assembly, the session to begin at noon on the Wednesday next after the first Monday of the year following the general election. The regular sessions of the Legislature, then, fall in the odd-numbered years (Art. IV., § 9).

29. Quorum—A quorum of either house is a majority of all the members elected (Art. IV., § 9).

By a quorum is meant the least number which may be present in order that business may be done. The Congress of the United States and the legislatures of all the States have the same quorum as that in Illinois.

30. Special Sessions—A special session of the General Assembly may be convened by the governor at any time which he may think proper, for the consideration of such business as he may consider necessary. No other business may be considered at a special session (Art. V., § 8).

31. Adjournment—When the General Assembly has finished its business, whether at a regular or special session, adjournment is effected at a date agreed upon by the two houses. Neither house can adjourn for more than two days without the consent of the other (Art. IV., § 10). If the houses fail to agree as to the time of adjournment, the governor may adjourn the General Assembly to such time as he may think proper, but not to a later date than the beginning of the next regular session (Art. V., § 9). Adjournment by the governor is called *prorogation.* The sessions of the British Parliament and of European legislatures in general are regularly ended by prorogation. Amer-

ican executives (both of the United States and of the States), however, have the power to prorogue only under the same circumstances as in Illinois.

32. Seat of Government—The Constitution does not fix the seat of government. An act of the General Assembly passed in 1874 prescribed that Springfield should continue to be the capital.* In case of pestilence or public danger, however, the governor may designate some other place as the seat of government. Of course the General Assembly, if it saw fit, might repeal the act of 1874 and make some other place than Springfield the capital of the State.

POWERS AND DUTIES OF THE LEGISLATURE

33. The Legislature Represents the People—The General Assembly represents the people of the State. Whatever is done by the General Assembly is supposed to express the will of the people. This is indicated by the opening words of every law made by the Legislature: "Be it enacted by the people of the State of Illinois, represented in the General Assembly" (Art. IV., § 11).

When the original States broke away from the British government, as they no longer had the crown or its agent, the royal governor, over them, they felt sure that their liberties were safe. They would thereafter govern themselves by their own freely chosen representatives, and there would be no more trouble. So it was that the early State constitutions gave large

* Rev. Stat., c. 123, § 1.

powers to the legislatures, with few restrictions. But as years passed on, the States gradually learned that their own representatives could not always be trusted. Unscrupulous men managed to secure legislation which was not for the public good, but for private advantage. In order as far as possible to prevent such misuse of powers entrusted to the law-making body, later constitutions have contained an increasing number of checks and prohibitions on legislation. Many such are found in the Illinois Constitution of 1870.

34. General Principle of Legislative Power—The general principle of power given to a State legislature is, that any law may be enacted which is not forbidden by the Constitution of the United States or by the Constitution of the State. Still, the State Constitution enumerates some specific powers of the Legislature. It also prescribes for that body certain duties.

35. Specified Powers of the General Assembly—Specified powers of the Legislature often are given by way of exception to certain duties or prohibitions. Examples of powers thus specifically granted are: the creation of courts for cities and towns (Art. VI., § 1), changing the boundaries of judicial districts of the Supreme Court (Art. VI., § 5), the creation of appellate courts and the regulation of appeals (Art. VI., § 11), provision for dividing the State into judicial circuits and for constituting circuit courts therein (Art. VI., § 15), uniting two or more counties for a single county court (Art. VI., § 18), providing for appeals from county courts (Art. VI., § 19), the establishment of probate courts in counties with a population over 50,000 (Art. VI., § 20), prescribing districts for justices of the peace,

police magistrates, and constables (Art. VI., § 21), removing from office any judge, by a vote of three-fourths of the members of each house (Art. VI., § 30), exemption from taxation of public property and of private property used for certain public purposes (Art. IX., § 3), vesting certain powers of taxation in municipal corporations (Art. IX., § 9), providing for certain roadways (Art. IV., § 30), and for dikes and drains (Art. IV., § 31). It does not seem necessary in all cases to specify these powers, but they are enumerated doubtless so that there can be no possible question about them.

36. Specified Duties of the General Assembly—Certain *duties* of the General Assembly are specifically prescribed.

It is the duty of the General Assembly to make by law proper appropriations of money from the State treasury for the expenses of the State government (Art. IV., § 18); to provide the letting of contracts for supplies and printing for the State (Art. IV., § 25), and for the protection of miners (Art. IV., § 59); to pass liberal homestead and exemption laws, *i.e.*, laws exempting one's home and other property, to a reasonable amount, from seizure for the non-payment of debts (Art. IV., § 32); to prescribe the times of holding of county courts (Art. VI., § 14); to provide "a thorough and efficient system of free schools" (Art. VIII., § 1); to give the option to counties of being organized by townships (Art. X., § 5); to regulate the fees of public officers (Art. X., § 12); to provide for minority representation in voting by stockholders of corporations (Art. XI., § 3); to regulate railroad charges (Art. XI., § 15); to protect people from fraud and extortion in dealing with public warehouses (Art. XII., § 6), and

in grain (Art. XIII., § 7); to make laws forbidding the sale of lottery tickets in the State (Art. IV., § 27).

THE METHOD OF LEGISLATION

37. In order that the Legislature may exercise its powers properly, the Constitution fixes quite definitely the manner in which laws shall be made (Const., Art. IV., §§ 11–13). This corresponds to that which is usual in all the States, and is fully explained in Part I. (pp. 41–46). One or two special provisions in Illinois may be noted.

38. Revenue Bills—The Constitution of the United States* and those of several of the States require that bills for raising revenue shall originate only in the lower house. This is in imitation of a custom of the British Parliament, for which at one time there was an excellent reason. No such reason exists in our country, however, and the Illinois Constitution very properly provides that any bill may originate in either house, but may be altered, amended, or rejected by the other (Const., Art. IV., § 12).

39. The Popular Veto—The Referendum—Not all resolutions of the Legislature have to go to the governor.

As has been seen (p. 53), a plan for a new Constitution is drawn up by a body of representatives of the people—a Constitutional Convention. This is, unlike the Legislature, a unicameral body, and the plan which it may draft is not submitted to the governor for his approval, but to a vote of the people. If a majority of all those voting approve the plan, it is

* U. S. Const., Art. I., § 7.

adopted and becomes law. Otherwise it is rejected. This amounts to a veto by the people—an *absolute* veto, as there is no way of passing it if the people disapprove. The governor's veto is not absolute, as a two-thirds vote in each house may make a bill become a law, notwithstanding the disapproval of the governor.

A resolution of the General Assembly in favor of a constitutional amendment also does not go to the governor, but, like the plan proposed by a constitutional convention, goes to the people instead. If a majority of those voting approve, the proposed amendment is adopted and becomes law.

The Constitution also provides that in some cases even measures which have passed both houses of the Legislature and received the approval of the governor do not become law unless they receive also the direct assent of the people.

No indebtedness can be incurred by the State beyond the sum of $250,000, "except for the purpose of repelling invasion, suppressing insurrection, or defending the State in war," without the express approval of the people (Art. IV., § 18).

The total expenditure on the State-house building and grounds cannot exceed $3,500,000, unless the people approve (Art. IV., § 33).

No law authorizing banks can go into effect until the people have approved (Art. XI., § 5).

The above three requirements, together with those relating to amending the Constitution, require a vote of the people throughout the State.

There are other restrictions on the legislative power of the General Assembly which relate only to particular

counties. No division of a county can be made, and no addition to the territory of a county or subtraction from it, without the assent of the people concerned (Art. X., §§ 2, 3).

No county seat can be changed without the assent of the voters of the county—in this case a three-fifths affirmative vote being required (Art. X., § 4).

There is also a like limitation in the taxing power of county authorities (Art. X., § 8—see also p. 153).

The above are requirements of the Constitution. In enacting laws in accordance with its powers the General Assembly has also in some cases made use of the same principle. In 1895 a law (p. 148–9) was passed applying the merit system to the government of cities, but providing that it should not apply to any city without the consent of the voters.*

The reference to the people of a proposed law gives the people an absolute veto on the measure. This is also called sometimes "direct legislation," sometimes the "referendum."

In Illinois no law takes effect until July 1 next following its passage, unless the General Assembly by a vote of two-thirds of all the members of each house declare that an emergency exists—in which case the law may take effect at once.

The veto of the governor of Illinois is fatal to a bill unless it is passed in spite of his objections by a vote of two-thirds of all the members of each house.

* Rev. Stat. c. 24, § 483–4.

CHAPTER VI

THE STATE GOVERNMENT—THE EXECUTIVE

STRUCTURE

1. The Executive Department of the government carries on the State business—the administration. This might more accurately be called the executive departments, as in fact it consists of a number of officers who are not very closely related to one another, and who are not under a common control. In this respect Illinois is quite unlike the United States. The difference is plainly seen by quoting from the two Constitutions.

The Constitution of the United States (Art. II., § 1) reads: "The executive power shall be vested in a President of the United States of America."

The Constitution of Illinois (Art. V., § 1) reads: "The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, and attorney-general."

From these statements, and from the subsequent distribution of powers, it will appear that the President directs and controls the Federal administration, while the Illinois governor has little or no control over the remaining executive officers. These officers are not

responsible to the governor, because he does not appoint them and he cannot remove them. He can only ask information from them.

THE GOVERNOR

STRUCTURE OF THE OFFICE

2. The Governor is elected by the people at each alternate biennial general election (p. 58). His term of office is four years, beginning on the second Monday of the January following the election.

3. Election and Term of Office—The election of governor, it will be seen, comes in the same year as the choice of Presidential electors (the year whose number is divisible by four), and the governor's term of office very nearly coincides with that of the President (Art. V., §§ 1, 3).

While the governor's term of office is four years, nevertheless it does not expire "until his successor is elected and qualified." Thus, in case of any failure to elect a new governor, or of any delay in the assumption of office, the former governor continues to hold the chair. On the other hand, as soon as the President's term has expired, he becomes at once a private citizen. There might, then, be circumstances in which there would be no President of the United States. But it is likely that there will be, under almost any circumstances, a governor of Illinois.

If, at the election, there should be two candidates for governor with an equal vote, and that higher than any other, then the General Assembly, by joint ballot, chooses one of the two (Art. V., § 4). Any contest as

to the election is also decided in like manner by the General Assembly.

4. Qualifications—To be elected governor one must have three qualifications: age, citizenship, and residence. The age must be at least thirty; for the five years next preceding the election the candidate must have been a citizen of the United States (Art. V., § 5), and for the year next preceding the election he must have been a resident of the State (Art. VII., § 6).

5. Disqualifications—The governor cannot hold any other State office during the term for which he is elected, and he must reside at the seat of government (Art. V., §§ 5, 1).

6. Privileges—The governor is entitled to a salary, which must be fixed by law, and cannot be increased or diminished during his official term (Art. V., § 23). The law at present fixes the salary at $6,000. The same law gives the governor the use of the executive mansion at Springfield as a residence.*

ADMINISTRATIVE POWERS

7. Supreme Executive Power—The powers of governor, while not so great as those of the President of the United States, are still considerable. The governor has the "supreme executive power" (Art. V., § 6), which merely means that in point of rank and dignity he represents the State, and that, so far as the Constitution and laws warrant, he supervises and manages the State affairs.

8. Appointments to Civil Offices—The power to

* Rev. Stat., c. 53, § 1.

appoint, by and with the advice and consent of the Senate, some officers of the State civil service belongs to the governor—officers whose appointment or election is not otherwise provided for (Art. V., § 10). These officers are: the boards which manage the various State institutions (excepting the State University), justices of the peace in the city of Chicago (Art. VI., § 28), and a few other State officers. Their functions will be explained later (p. 84).

9. Appointments to Military Offices—The Constitution makes the governor commander-in-chief of the military and naval forces of the State (Art. V., § 14), and requires that all militia officers shall receive their commissions from him (Art. XII., § 3). The statutes give him the power to appoint the officers of his own staff, general officers, and, on recommendation of the latter, their staffs also.*

10. Appointment to Fill Vacancy—In case of vacancy in any office not elective, it is the governor's duty, if the Senate is not in session, to make a temporary appointment until the next meeting of the Senate. He then nominates some person to fill the office, and, by and with the advice and consent of the Senate, makes the appointment to fill such vacancy for the remainder of the term in question (Art. V., § 11).

Judicial officers are elective, and so as a rule a vacancy in such office is filled by a special election. However, in case of a vacancy in the office of a judge, if the unexpired term does not exceed one year, the vacancy is filled by the governor's appointment (Art. VI., § 32).

* Rev. Stat., c. 129, §§ 4, 5.

11. Removal from Office—The governor has the power to remove from office "any officer whom he may appoint, in case of incompetency, neglect of duty, or malfeasance in office" (Art. V., § 12). Of course this power does not extend to any officers who derive their authority from any other source than the governor's appointment.

12. Military Control—The governor is commander-in-chief of the military and naval forces of the State, and may call them out to maintain public order or to protect the State from invasion. The State National Guard and Naval Militia are thus bound to obey the governor's orders (Art. V., § 14).

13. Information—The governor may at any time require information, in writing, from any officer of the Executive Department or of State institutions, as to matters falling under their charge (Art. V., § 21).

LEGISLATIVE POWERS

14. While the governor is supposed to be at the head of the executive, or administrative, branch of the State government, yet he has some powers which are related to legislation. This is one of the exceptions to the separation of powers to which reference is made in Article III. of the Constitution.

15. Meeting and Adjournment of the Legislature—The governor may convene the Legislature in special session (p. 67), and, in case of disagreement between the two houses as to the time of adjournment, he may adjourn them to a date which he may fix (p. 67) (Art. V., §§ 8, 9).

16. Suggestion of Legislation—He may suggest to

the General Assembly such legisation as he thinks expedient (Art. V., § 7). Of course the Legislature is not bound to act in accordance with his suggestions.

17. Approval or Negative of Bills—Veto—All bills passed by the General Assembly must, before they become laws, be presented to the governor for his approval (p. 73) (Art. V., § 16). Thus he has a voice in legislation, and while his veto is not absolute, yet it is often quite difficult to secure a two-thirds vote of each house for the enactment of a bill which he disapproves.

JUDICIAL POWERS

18. The governor has some powers which relate to the structure or proceedings of the judiciary.

19. Appointment—As has been seen, the governor appoints a judge to fill a vacancy in such office, if the unexpired term is not over one year (p. 77) (Art. VI., § 32), and he appoints the justices of the peace of Cook County, by and with the advice and consent of the Senate (p. 134) (Art. VI., § 28).

20. Pardons—The governor has the power "to grant reprieves, commutations, and pardons, after conviction, for all offences" (Art. V., § 13).

A reprieve is a postponement of the time for the execution of a penalty inflicted by a court upon an offender.

A commutation is a lessening of such a penalty.

A pardon frees an offender from all the legal consequences of a crime.

It is thought proper that somewhere in the government there should be lodged the power of granting mercy to offenders, as at times there are reasons which

make advisable such exceptions to the ordinary operation of justice. This power is usually vested in the executive. It is a heavy burden for the governor, as urgent appeals are made to him in many cases, and it is hard to resist petitions for clemency. In order to relieve the governor from this pressure the Pennsylvania Constitution establishes a board of pardons, consisting of four State officers, and gives the governor the pardoning power only in cases recommended by that board. In Illinois such a board is constituted by law, but it is merely an advisory body (p. 113).

The governor of Illinois can exercise this power only after a court of law has duly found a person guilty of an offence against the laws,—"after conviction." There is no such limitation on the pardoning power of the President of the United States, and accordingly he can grant immunity from the legal consequences of crime at any time, even before arrest or trial.*

DUTIES

21. The main duty of the governor is to "take care that the laws be faithfully executed" (Art. V., § 6). This duty he may perform in various ways.

22. Execution of the Laws—In the first place, he is to perform such duties as the laws enacted by the Legislature prescribe.

If he has reason to believe that officers whom he has appointed are derelict in their duty, he can remove them and appoint others in their place (p. 78).

In case of other officers of the State, as well as local

* Const. of the United States, Art. II., § 2.

officers of all kinds, the governor has practically little or no control, and hence no means of seeing that they do their duty in executing the laws.

If the laws of the State are resisted by private individuals, it is the duty of mayors and police authorities in cities, and of the sheriffs of counties, to overcome such resistance. If they are unable to do so, they are then to notify the governor, and it becomes his duty to call out the State military to aid in enforcing the law.*

23. Appointments—It is the duty of the governor to make the appointments to office heretofore mentioned (p. 76–7).

24. Information to the General Assembly—It is his duty to give the Legislature information as to the condition of the State (Art. V., § 7). This he does at the beginning of each legislative session, and at the end of his term of office. At the same time he accounts for all money in the State which may be in his charge, and furnishes estimates of the amount to be raised by taxation. He bases his estimates on the reports which the State executive officers make to him (Art. V., § 21). The communication which the governor makes to the General Assembly is called his *message.*

25. Oath—The governor, like all other civil officers of the State, must, before he enters on the duties of his office, take an oath to support the Constitution of the United States and the Constitution of the State, and that he will faithfully perform his duties to the best of his ability (Art. V., § 25).

* Rev. Stat., c. 38, § 256l–256n.

26. First Governor—The first governor, elected in 1818, was Shadrach Bond.

VACANCY IN THE OFFICE OF GOVERNOR

27. Vacancy in other executive offices, as has been explained (p. 77), is filled either by a special election or by appointment by the governor. But if the governor himself should die, or in any other way the office should become vacant, it is important that the place should be filled immediately. For this purpose the Constitution makes two special provisions.

28. The Lieutenant-Governor—The first is the creation of an officer, the lieutenant-governor, for the sole purpose of being ready to fill the office of governor in case of a vacancy (Art. V., §§ 1, 3, 5).

29. Election, Tenure, Qualifications—The lieutenant-governor is elected by the people at the same time and for the same term as the governor, and he must have the same qualifications as the governor, and has the same disqualification for holding other office (Art. V., §§ 1, 3, 5).

30. Oath and Salary — The lieutenant-governor takes the same oath as the governor. His salary is fixed by statute at $1,000. If he succeeds to the duties of governor, he has the emoluments of that office.

31. Duties—In order to give him something to do, the lieutenant-governor is made presiding officer of the Senate, but he is not a member of that body and has no vote except in case of a tie (Art. V., § 18).

32. Filling Vacancy—If the governor fails to take the oath of office, dies, resigns, is convicted on impeachment and so removed from office, is absent from the

State, or in any other way incapable of performing his duties (*e.g.*, if he should become insane), the lieutenant-governor succeeds to the office for the residue of the term if the disability be total, for the duration of the disability if that be temporary (Art. V., § 17).

33. First Lieutenant-Governor—The first lieutenant-governor of the State was Pierre Menard, elected in 1818.

34. President of Senate and Speaker of House—The second provision of the Constitution is for the case in which there is no lieutenant-governor, as well as no governor. Then the president *pro tempore* of the Senate (p. 65) fills the vacancy as governor. If in the same way he should leave the office vacant, the speaker of the House of Representatives succeeds (Art. V., § 19).

CHAPTER VII

THE EXECUTIVE (*Concluded*)

ADMINISTRATIVE DEPARTMENTS

1. Heads of State Departments—Besides the governor and the lieutenant-governor, the Constitution names five other officers in the executive department (Art. V., § 1). Each of these is really the head of a separate department of the administration—such as in the Federal government are called cabinet departments. They are the secretary of state, the auditor of public accounts, the treasurer, the superintendent of public instruction, and the attorney-general.

2. Election and Term of Office—They are all elected by the people at one of the general elections, and all but the treasurer for the term of four years. The treasurer's term is two years. The secretary of state, auditor, and attorney-general are elected at the same time as the governor, and begin their term of office at the same time with that officer (p. 75) (Art. V., §§ 1, 2, and 3). A treasurer is elected at each general election, in November of the even-numbered years. It is thought better that his term should be short, so that the books can be inspected anew quite frequently.

3. Qualifications—Citizenship and residence are required as qualifications for these offices—the general

requirements for all civil or military office in the State. The candidate must be a citizen of the United States and must have been a resident of the State during the year next preceding the election (Art. VII., § 6).

4. Oath—The heads of departments must take the same oath of office as the governor (p. 81) (Art. V., § 25).

5. Disqualifications—All except the treasurer are ineligible to any other office during the period for which they have been elected (Art. V., § 5).

The treasurer is ineligible to the treasurership for two years after the end of the term for which he has been elected (Art. V., § 2).

None of the five above named officers may reside elsewhere than at the seat of government during the term for which they have been elected.

6. Privileges and Duties—The salaries of the officers of the executive department are not fixed by the Constitution, but are determined by statute.* They are in each case, $3,500.

The salary may not be increased nor diminished during the official term of the officer in question (Art. V., § 23).

7. Duties, Constitutional—The Constitution prescribes certain duties for the heads of executive departments, and gives the Legislature power to prescribe other duties (Art. V., § 1).

Heads of departments are to keep the public records, books, and papers at the seat of government (Art. V., § 1).

The treasurer must, if required by the governor, give

* Rev. Stat., c. 53, § 1.

reasonable additional security for the honest performance of his duties (Art. V., § 2).

Careful accounts must be kept of all money received or paid out (Art. V., § 20).

All the heads of executive departments must, at least ten days before the beginning of each regular session of the Legislature, make to the governor a report of the business of the office. A special report must also at any time be submitted when required by the governor (Art. V., § 21).

8. Duties, Statutory—The statutes fix the duties of the respective officers quite definitely.

The *secretary of state* keeps the official records. These are all laws enacted by the Legislature with or without the approval of the governor, all the proceedings of the General Assembly, the official acts of the governor, the record of all incorporations, and similar matters. There are also other less important duties.*

The *auditor of public accounts* keeps an account with all persons or corporations having financial dealings with the State, examines all claims on the State for money, grants warrants on the State treasury for such claims as he finds to be proper, and attends to some other duties.†

The *State treasurer* takes charge of the money belonging to the State, and pays it out on warrants drawn by the auditor.‡

The *State superintendent of public instruction* keeps a general oversight of the common schools of the State. He gives advice to county superintendents and teachers,

* Rev. Stat., c. 124, §§ 3–5. † Rev. Stat., c. 15, §§ 7, 8, 22
‡ Rev. Stat., c. 130, §§ 7, 10.

interprets the meaning of the school laws, grants State certificates to teachers who are qualified, records and reports educational statistics, acts as a member of certain educational governing bodies, and performs some other duties. *

The *State attorney-general* is the principal legal adviser of the State government. He conducts certain lawsuits for the State (especially in the Supreme Court), advises State officers on legal questions, and does such other duties as may be imposed upon him by law. †

9. Vacancy—In case of a vacancy in any of these State executive offices, the governor appoints for the residue of the term (Art. V., § 20). ‡

PURPOSES OF GOVERNMENT AND LAW

10. The Main Purposes of Government, as laid down in the preamble to the Illinois Constitution, are to insure justice, domestic tranquillity, the public defence, the general welfare, and liberty. All these would be in danger without government. Men in their dealings with one another are in many cases apt to be dishonest and unjust. Thieves and robbers are ready to appropriate property which is not their own. Assaults, riots, even murder, are always possible in a mixed and crowded society. Property is in danger from fire and flood, as well as from thieves, and the public health may often be endangered by careless or ignorant people.

* Rev. Stat., c. 122, § 4. † Rev. Stat., c. 14, § 4.
‡ Rev. Stat., c. 46, § 128.

To prevent these and many other dangers to the persons and property of the people, government is created in all its branches. To secure the purposes of the preamble, the Legislature makes laws, the executive puts them in force, the courts decide their application to specific cases.

In order to administer the various laws which have been enacted from time to time for the purposes above mentioned, the Legislature has been obliged to provide officers in addition to those created by the Constitution, and to specify their powers and duties. In many cases these officers are a small body called a "board." In other cases they are single individuals.

A board meets from time to time and decides what to do by a majority vote. In the employ of the board are usually single officers who carry out the plans adopted. The advantage of having a board is in the possibility of deliberation—of getting the judgment of more than one man. If there is no particular need of deliberation, but the main thing is merely to put into execution certain policies already determined, then a board is not necessary.

PUBLIC DEFENCE

11. The Public Safety may be in danger from invasion by a foreign enemy or from insurrection at home. To guard against these dangers the Constitution and statutes provide for the organization of a State military and naval force (Art. XII.).* This is put under the immediate authority of the governor as com-

* Rev. Stat., c. 129.

mander-in-chief (Art. V., § 14). There is no State executive department corresponding to the Federal department of war. The State militia, or a part of them, may be called into the service of the United States. In that case the command is transferred from the governor to the President.

All able-bodied male citizens between the ages of eighteen and forty-five, with some exceptions, are liable to military duty (Art. XII., § 1), and in an emergency all may be called on.* Usually, however, the ranks of the militia are filled by volunteers.

12. The National Guard—The law provides that a certain number of troops shall be enrolled and organized so as always to be ready for duty. This body is called the "Illinois National Guard." †

13. The Governor's Staff—The general management of the Guard is carried on under the governor's direction by several officers who form the governor's staff. They are appointed by the governor and hold office during his pleasure. The principal officer of the governor's staff is the adjutant-general, who has charge of most of the general administration of the Guard.

14. Organization of the Guard—The Guard is organized in companies, battalions, regiments, and brigades, each with its proper officers. A full company of infantry has 103 officers and men. A full battalion has four companies; a full regiment has three battalions; a brigade has several regiments, usually three or four. A company is commanded by a captain, aided by two lieutenants, five sergeants, and four

* Rev. Stat., c. 129, § 1. † Rev. Stat., c. 129.

corporals. A battalion is commanded by a major, a regiment by a colonel (with a lieutenant-colonel second in command), a brigade by a brigadier-general—each commanding officer being aided by a group of officers called the staff. Sergeants and corporals are non-commissioned officers, being appointed, on recommendation of the captain, by the battalion or regimental commander. Other officers are commissioned by the governor.

Captains and lieutenants are elected by their companies. They are known as *line officers*. The commanding officers of battalions and regiments, known as *field officers*, are elected by their line officers. Brigadier-generals are appointed by the governor. Staff officers of a battalion, regiment, or brigade holding commissions are appointed by the governor on recommendation of the respective commanding officers. Non-commissioned staff officers are appointed by the respective commanders. All commissioned officers below the rank of brigadier-general must pass an examination in military tactics as a prerequisite to appointment.

Companies of cavalry and artillery are organized very nearly like companies of infantry. A company of cavalry is usually called a *troop*, and a company of artillery a *battery*. The latter may have six pieces of artillery.

The State provides the Guard with uniforms, arms, and equipments, with armories, places for rifle practice, and with camping grounds.

15. Naval Militia—None of the States keeps war vessels, all such being a part of the United States navy. However, several States which border on

navigable water maintain a naval militia, which is useful in aiding to maintain order on occasions of emergency, and at the outbreak of war furnishes a valuable auxiliary to the national navy.

The Illinois naval militia consists of two battalions of four divisions (or companies) each. The commanding officer is known as a *commander*, each battalion is under the command of a *lieutenant-commander*, each division under a *lieutenant* (aided by a *lieutenant, junior grade*, and two *ensigns*). There are also suitable staff officers. The governor appoints the officers and controls the organization.

PUBLIC EDUCATION

16. Ignorance is the parent of a large amount of misery and crime. In a republic in which suffrage is so widely extended as it is in our States, also, unless the people are able to understand what their votes mean, it is evident that voting will be not only useless but dangerous (Art. VIII.).*

For these reasons education is provided by the State free of cost.

17. Ordinance of 1787, Article III.—One of the six fundamental articles of compact between the United States and the people of the old Northwestern Territory (p. 14) found in the Ordinance of 1787 is this: "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

* Rev. Stat., c. 122.

18. Land Set Aside for Education—The enabling act of Congress for the admission of Illinois to the Union stipulated that in each township the section numbered 16 should be granted to the State for the use of the people in said township in maintaining schools —and further that one entire township, in addition to one already reserved for that purpose under the territorial laws, should be set aside for the purpose of maintaining "a seminary of learning." *

19. Constitution of Illinois—The present Constitution of the State contains an entire article (VIII.) devoted to education, which requires the General Assembly to "provide a thorough and efficient system of free schools, whereby all children of this State may receive a good common-school education" (§ 1). The Constitution also requires that all funds received by the State for educational purposes be devoted to those purposes and to no other (§ 2), that the money of the State shall not be appropriated to aid sectarian schools (§ 3), that no school officers or teachers shall have any pecuniary interest in books, apparatus, or furniture used by the schools (§ 4), and permits counties to have a school superintendent (§ 5).

20. School Law—The State school law is very elaborate.† It provides for schools in every city, village, and district in the State, supported by the public funds derived from the sale of the school lands and by taxation. These schools will be discussed more in detail under the subject of "Public Education" (p. 155). The laws provide also for a State superintendent of public instruction, for a State Board of Education, for

* Act of April 18, 1818, § 6.

† Rev. Stat., c. 122.

schools in the State charitable institutions, for State normal schools, and for a State university.

21. State Superintendent—The duties of the State superintendent have already been mentioned (p. 86). His term of office is four years, and he is elected in the middle of the governor's term, so as to keep this election as much as possible out of party politics.

State schools are maintained in the charitable institutions for the blind, the deaf and dumb, and the feeble-minded (p. 99).

22. Normal Schools—Normal schools are established for education in the science and art of teaching. It is by no means true that one who is familiar with a subject is able to teach it. It is true that one who has a natural aptitude for teaching is likely to succeed even without special training. But it is far better for any teacher, whatever his natural endowments or his knowledge, to have the advantage of study and instruction in the principles and methods of education. For these purposes the State has by law established and maintains four normal schools.

23. The Illinois State Normal University, at Normal, McLean County, was the first to be organized, the work having begun in 1857. This school was given by act of the Legislature the land grant of two townships to which reference was made by Congress in the enabling act for Illinois (p. 20). Its affairs are managed by the Board of Education of the State of Illinois. The board consists of fifteen members, appointed by the governor, with the approval of the Senate, for the term of six years. The State superintendent is *ex officio* a member of the board, and its secretary.

24. The Southern Illinois State Normal University, at Carbondale, Jackson County, was organized in 1869, and began work in 1874. Its business is managed by a board of trustees, of whom five are appointed by the governor for a term of four years, and a sixth member is the State superintendent of public instruction.

25. The Eastern Illinois State Normal School, at Charleston, Coles County, and the Northern Illinois State Normal School, at DeKalb, were organized by law in 1895, and are to begin instruction in the autumn of 1899. Each is in charge of a board of trustees, five in number, appointed by the governor, by and with the advice and consent of the Senate, for a term of four years.

26. State University—The *University of Illinois*, at Urbana, Champaign County, is the State University —the two State Normal Universities being in fact not universities, but normal schools. An act of Congress passed in 1862 gave a land grant for the establishment of colleges of agriculture and the mechanic arts in the several States. On this foundation the General Assembly in 1863 organized by law the Illinois Industrial University, the original purposes of which were indicated by the name. As the character of the work broadened, the name was changed (1885) to its present form. It now consists of a number of colleges and schools, devoted to general and professional education. The schools of medicine and pharmacy are in Chicago.

The university is controlled by a board of trustees. Nine are elected by the people for a term of six years, three being chosen at each biennial general election. Thus the board is a continuous body (p. 59). The governor, superintendent of public instruction, and the

president of the State Board of Agriculture are severally *ex officio* members of the board.

The boards which control these five State educational institutions have the power to appoint all teachers and officers, to prescribe the plan of organization and study, and to expend the money appropriated for their respective schools by the Legislature.

27. State Libraries and Museums — Besides the libraries and museums connected with the University and other educational institutions, the State maintains three libraries at Springfield.

The State Law Library is connected with the Supreme Court.

The State Library is a general collection of books, kept in the capitol, and controlled by a board consisting of the governor, the secretary of state, and the State superintendent of public instruction.

The State Historical Library is a collection of books, documents, and other material illustrating the history of Illinois. It is managed by a board of three trustees, appointed by the governor, with the approval of the Senate, for two years.

PENAL AND REFORMATORY INSTITUTIONS

28. Crime—A third danger to the peace and good order of society comes from crime. Some crimes are the result of sudden temptation, others come from habit and deliberate purpose. Those who are guilty of these latter crimes are habitual criminals.

The laws of the State forbid certain acts to be done, and prescribe penalties for the commission of such

acts.* Violation of any part of these laws is *crime*. It is the duty of local police officers to arrest criminals, and of the courts to ascertain the guilt or innocence of prisoners by a trial. In case of proven guilt the court then prescribes such penalty as the law directs.

In most cases of serious crime the penalty is imprisonment for a greater or less period. The State, therefore, has to provide prisons in which to keep condemned criminals.

One purpose of imprisonment is punishment. Another is to remove the criminal from society and so to prevent him from further criminal acts. But it is hoped that in as many cases as possible the prisoner's reform may be effected. If the criminal can be taught habits of industry and orderly life he may, when he leaves the prison, become a law-abiding and honest citizen. It is in any event not desirable that any of the prisoners should be kept in idleness. Accordingly many forms of productive industry are carried on in the prisons. Plans are also put in operation by which prisoners are classified, and those who behave well may earn better treatment while in the prison and may shorten their term.

29. The Illinois State Penitentiary at Joliet was established by law in 1857, and opened in 1858. It is controlled by a board of three commissioners, appointed by the governor with the approval of the Senate. The term is six years, and one is appointed every second year. The warden, who has immediate charge of the prison, and other officials are appointed by the board.†

30. Southern Illinois Penitentiary—There is a

* Rev. Stat., c. 38.

† Rev. Stat., c. 108, §§ 3–5.

second prison at Chester, established in 1877, to which criminals are sent from the southern part of the State. This is the Southern Illinois Penitentiary. Its management is in the hands of a board of three commissioners, in all essential respects like the board of the Joliet prison.*

31. The Parole System—One arrangement for the reformation of prisoners involves the *indeterminate sentence* and the *parole system.*†

For all felonies except treason and murder a maximum period and minimum period of imprisonment are fixed in the law. A judge in sentencing a convicted criminal does not decide the time limit. If the convict proves himself worthy of the privilege, he may be allowed to leave the prison on *parole.* As long as he behaves himself he will not be molested, and if he continues to be industrious and upright he may, on recommendation of the prison authorities, be finally discharged from the remainder of his penalty, providing the governor approves. A prisoner who is guilty of violating the conditions of his parole may be arrested and compelled to serve the remainder of his maximum term.

32. Illinois Asylum for the Criminal Insane—Insane criminals are kept in the Illinois Asylum for the Criminal Insane, also at Chester, and controlled by the board of commissioners of the Southern Penitentiary. This was established in 1892. Such unfortunate creatures evidently must be separated from ordinary criminals and kept under suitable care.

* Rev. Stat., c. 108, §§ 66–69.

† Rev. Stat., c. 38, §§ 498–506.

33. Illinois State Reformatory—It is evident that there is more encouragement in the hope of reforming quite young criminals than can be the case with those of mature age. On the other hand, to confine mere boys among hardened offenders can have no result but to confirm criminal inclinations which otherwise might be eradicated. With these facts in view, the Legislature established in 1867 a reform school, now known as the Illinois State Reformatory. It is situated at Pontiac, Livingston County. It is controlled by a board of managers, five in number. They are appointed by the governor for a term of ten years each, one being appointed every second year. No more than three may be of one political party. Boys between the ages of ten and twenty-one are sentenced to the reformatory rather than to one of the penitentiaries. In each case the sentence is not for a definite term, and the board of managers may release any prisoner who gives evidence of reformation. The release may be on probation, or it may be final. While in the reformatory the boys are taught useful branches of knowledge in a carefully planned school.*

34. State Home for Juvenile Female Offenders—Girls between the ages of ten and sixteen who are offenders against the laws, or who for reasons satisfactory to a court should be taken in charge by the State, are sent to the State Home for Juvenile Female Offenders, at Geneva, Kane County. This is controlled by a board of trustees, five in number, two of whom may be women. They are appointed by the governor for a term of three years each, one being appointed each

* Rev. Stat. c. 118.

year. Inmates of the home are taught suitable industries. It is attempted to make the girls capable of earning a respectable living when they are sent away.*

INSTITUTIONS FOR THE ALLEVIATION OF MISFORTUNE

35. Public Charities—There are some kinds of misfortune for which the State can on the whole take better care than any private charity. For this reason it is a common thing throughout the Union for the States to establish and maintain asylums for the blind, for the deaf and dumb, for the insane, and for the feeble-minded. Besides these, there are homes for old soldiers, who have risked their lives for their country and are no longer able to care for themselves.

General supervision over such work in Illinois belongs to the Board of State Commissioners of Public Charities. This body consists of five persons, appointed by the governor with the approval of the Senate. The term of office is five years, and one is appointed annually. The board inspects the various State charitable institutions and makes an annual report to the governor.

Illinois maintains at present fourteen charitable institutions. There are six for the insane, two for the blind, one for the deaf and dumb, one for feeble-minded children, one eye and ear infirmary, a home for soldiers and sailors, a home for the widows and one for the orphans of soldiers.

The Northern Hospital for the Insane is at Elgin;

*Rev. Stat., c. 118, § 26.

the Southern Hospital for the Insane is at Anna; the Eastern Hospital for the Insane is at Kankakee; the Western Hospital for the Insane is at Watertown; the Central Hospital for the Insane is at Jacksonville; the Asylum for the Incurable Insane is at Bartonville (near Peoria); the Illinois Institution for the Blind is at Jacksonville, and there is an Industrial Home for the Blind in Chicago; the Illinois Institution for the Education of the Deaf and Dumb is at Jacksonville; the Asylum for Feeble-minded Children is at Lincoln; the Illinois Charitable Eye and Ear Infirmary is in Chicago; the Soldiers' and Sailors' Home is at Quincy; the Soldiers' Widows' Home is at Wilmington; the Soldiers' Orphans' Home is at Normal.

Each of these institutions is controlled by a board of trustees, usually of three members, appointed by the governor, with the approval of the Senate, for a term of six years, one being appointed every two years.

PERSONAL SAFETY

36. The Safety of people in life, limb, and health must largely depend on their own intelligence and vigilance. However, one part of the business of government is to protect the community from dangers which cannot easily be guarded against by individuals themselves. The most of this is done by local authorities. The general government of the State, however, undertakes some things which are of such a nature as to be beyond the power of localities.

37. The State Board of Health consists of seven persons, appointed by the governor, with the approval of the Senate, for a term of seven years. One is ap-

pointed each year. The board has power to establish quarantines, to investigate sanitary matters and to make sanitary regulations, has charge of the State system of registration of births and deaths, and determines the legal qualifications of physicians to practice medicine.*

38. The State Board of Pharmacy consists of five persons, themselves duly qualified pharmacists, appointed by the governor for a term of five years, one each year. † Its duties are to examine applicants for certificates of authorization to compound and dispense medicines, to issue such certificates to persons found competent, and to prosecute persons who dispense drugs without such certificates.

39. The State Board of Dental Examiners has a like constitution with the board of pharmacy, and performs similar duties with reference to practicing dentists.‡

No one has a right to practice as a physician, or as a dentist, or to dispense drugs in Illinois, who is not duly qualified under the laws of the State. The three boards above named are created in order to enforce those laws. The object is to prevent danger to life and health from ignorant and unskilful persons.

40. Laws for Protection of Coal Miners—Coal mining is a very dangerous employment—dangerous in many ways. In order to protect those engaged in this employment against such dangers the laws make very specific regulations and require a careful inspection of mines by experts. The inspectors are selected in ac-

* Rev. Stat., c. 126a, c. 91, § 5. † Rev. Stat., c. 91, §§ 18–34.
‡ Rev. Stat., c. 91, §§ 35–44.

cordance with a carefully planned system. The board of labor commissioners (p. 107) appoints a board of examiners, consisting of two coal miners, two coal operators, and one mining engineer. On the recommendation of this board the governor appoints seven duly qualified inspectors, one for each of the seven districts in which the State is divided for the purpose. These inspectors make careful inspection of all coal mines and appurtenances in the State, in order to make sure that the mining laws are properly observed.*

41. State Board of Factory Inspectors—Some manufacturing industries also are accompanied by dangers and evils which the State tries to prevent. Clothing is at times made or repaired in small and crowded rooms reeking with filth and disease. Such work is dangerous to those employed in it, and is, perhaps, equally dangerous to any who may afterwards handle or use the garments. Workshops are often badly planned for health and comfort. Young children are employed for long hours in factories when they ought to be in school. These and similar evils the laws are intended to remedy.† In order to have these laws properly enforced, a State Board of Factory Inspectors is created.‡ This board consists of one inspector, one assistant inspector, and ten deputy inspectors. Five of the deputies must be women. The governor makes the appointments. The inspector has a term of four years, and the others hold during good behavior.

42. State Board of Examiners of Architects—The proper construction of buildings has an important

* Rev. Stat., c. 93. † Rev. Stat., c. 48. ‡ *Ibid.*, § 29.

relation to personal safety. If the architecture is grossly defective the building itself may collapse, to the great danger of life and limb; it may be a fire-trap, or the sanitary arrangements may cause disease. For these reasons the laws regulate the profession of architects, and the enforcement of those laws is put in the hands of a State Board of Examiners of Architects. No architect can practice his profession in the State unless properly licensed by this board.*

PROTECTION AGAINST FRAUD, EXTORTION, AND INCOMPETENCE

43. There are some forms of fraud, extortion, and incompetence against which it is very difficult for individuals to protect themselves. Laws are made, therefore, to prevent these evils, and officers are provided whose particular duty it is to see that these laws are enforced.

44. The Railroad and Warehouse Commission consists of three persons, appointed by the governor, with the approval of the Senate, for a term of two years.† It is their duty to inspect railroads and warehouses for the storage of grain, and to enforce the provisions of the State laws regulating the methods of doing business and the maximum charges which can be made. These laws are based on Articles XI. and XIII. of the State Constitution.

45. Chief Inspector of Grain—To aid the commission in their work the governor is required to appoint

* Act of 1897. † Rev. Stat., c. 114, §§ 167, 184.

a chief inspector of grain, with the approval of the Senate.* His term is two years. On his recommendation the Railroad and Warehouse Commission are authorized to appoint a suitable number of assistant inspectors. The inspectors of grain are controlled by the commission.

46. Insurance on both person and property has become one of the most important facts in modern society. The policies in Illinois alone amount to many millions of dollars, and involve the interests of a large proportion of the people of the State. To guard the interests of all concerned, the laws make many explicit regulations as to the method of carrying on insurance business, and the supervision of such business and the enforcement of the insurance laws are entrusted to an *insurance department*,† at the head of which is a *superintendent*, appointed by the governor, with the approval of the Senate, for four years.

47. Board of Examiners of Horseshoers—Serious damage may be done to horses by unskilful work in shoeing, especially in large cities, and the laws accordingly provide for a Board of Examiners of Horseshoers. This board issues licenses, and no one without a license is allowed to practice as a horseshoer in the cities in which the law is in force. The law applies to cities of 50,000 or more people. Cities of between 10,000 and 50,000 may come under the provisions of the law if they wish.‡

* Rev. Stat., c. 114, § 146. † Rev. Stat., c. 73.
‡ Act of 1897.

ENCOURAGEMENT AND PROTECTION OF CERTAIN INDUSTRIES

48. The fertile soil of Illinois has from the first settlement made agriculture a leading industry. For the encouragement and improvement of farming, fairs are held, in which there is competition for prizes bestowed on exhibitors of choice farm stock and products. Farmers' institutes are also conducted in various parts of the State, in which methods are discussed and instruction is given. An annual meeting of the same kind is also held at some one place in the State. Horticulture is also encouraged. Money is appropriated by the Legislature for all these objects, and the management of these funds is placed in the hands of various boards.

49. The State Board of Agriculture consists of a president, the last ex-president, and from each congressional district of the State one vice-president.* The presidents and vice-presidents are elected for two years by delegates from the county agricultural societies, meeting at the State fair in the even-numbered years. The board has charge of the work of the State department of agriculture and of the State fairs.

50. The State Horticultural Society is made by law a public corporation, and is given certain funds by the State for the encouragement of horticulture.† The affairs of the society and the management of its funds are entrusted to an elected executive board.

51. The Illinois Farmers' Institute is made a public corporation and manages funds contributed by

* Rev. Stat., c. 5. † Rev. Stat., c. 5, §§ 16–22.

the State.* It consists of three delegates from each county, elected annually by the county farmers' institutes. The affairs are managed by a board of directors, consisting of several members *ex officio*, the State superintendent of public instruction, the professor of agriculture in the University of Illinois, the presidents of the State Board of Agriculture, of the State Horticultural Society, and of the State Dairymen's Association, and of one member from each congressional district, chosen by the delegates at the annual meeting.

52. State Board of Live Stock Commissioners—The protection of domestic animals from contagious and infectious diseases is very important for the business interests of the State. The laws provide means for doing this, and entrust those means to the State Board of Live Stock Commissioners.† The commissioners are three in number, appointed by the governor for three years, one being appointed each year. They must be practiced stock breeders, and must not all be of the same political party.

53. Board of Fish Commissioners—The presence in the waters of the State of abundance of edible fish not only affords sport, but also assures a valuable source of food supply. However, in the ordinary course of things it would not be long before the fish in the lakes and streams would be practically exterminated. To prevent this, laws have been passed‡ which regulate the time and manner of catching fish, forbid certain measures which would destroy them, and provide for the stocking of the waters so that the supply

* Rev. Stat., c. 5, §§ 43–51. † Rev. Stat., c. 8, §§ 47–61.
‡ Rev. Stat., c. 56.

may be kept up. The enforcement of these laws is put principally in the hands of the Board of Fish Commissioners. They are three in number, appointed by the governor for a term of three years each. One is appointed annually.

The commission gives particular attention to hatching fish, and distributing the young among the waters of the State. On recommendation of the commission, also, the governor appoints fish wardens, who have power to arrest any violators of the laws for the preservation of fish.

54. Game Wardens—Similar conditions make it necessary for the State to take measures for preventing the destruction of game animals on the land.* The laws for this purpose are especially enforced by game wardens. The governor may appoint three, for a term of two years, one from each of the largest three cities of the State. The wardens watch for the unlawful sale of game.

55. Bureau of Labor Statistics—Many laws have been passed for the protection of manual laborers. In order to secure accurate knowledge on such subjects, the Legislature has established a Bureau of Labor Statistics,† which is managed by the Board of Commissioners of Labor. The board consists of five persons, appointed by the governor, with the approval of the Senate, for a term of two years. Three must be manual laborers, and two must be employers of such labor. It is the duty of the board to gather statistics relating to manual labor, and to embody these statistics in a biennial report to the General Assembly.

* Rev. Stat., c. 61.

† Rev. Stat., c. 17b.

56. State Board of Arbitration and Conciliation—Disputes between manual laborers and their employers have at times led to serious troubles which have endangered the public peace. In order to prevent such occurrences, the laws provide for a State Board of Arbitration and Conciliation,* the purpose of which is to induce the parties to such a dispute to settle their differences amicably. The board consists of three persons, appointed by the governor, with the approval of the Senate, for a term of three years. Not more than two may belong to the same political party. One must be an employer of labor, one an employee, and one must be neither.

PUBLIC WORKS

57. Public Works consist of buildings or engineering constructions which are undertaken by the government because they are thought to be for the general interest. Thus the United States builds custom-houses and post-offices in various cities, and improves harbors and rivers for the benefit of navigation. Several European nations own and operate railroads and telegraph lines. At one time Illinois undertook an extensive system of railroads.

58. Internal Improvements, 1837–40—The General Assembly in 1837 authorized an expenditure of over $10,000,000 for internal improvements, as the works were called. The plan contemplated improvement of the navigation of several rivers, and a series of railroads from east to west and north to south across

* Rev. Stat., c. 10, §§ 19–27.

the State. The work was begun, but was never carried to completion. It was abandoned in 1840, leaving the State heavily in debt, and with little to show for it but a few piles of dirt.

59. Illinois Central Railroad—In 1850 Congress passed an act which granted to the State of Illinois nearly 3,000,000 acres of public land for the construction of a railroad through the centre of the State, with a branch to Chicago. Owing to the disastrous experience with the plan of 1837, the General Assembly did not think it wise to undertake the work on State account, but in 1851 passed an act by which the entire land grant was given to a private corporation (The Illinois Central Railroad Company) on condition that they should build the road. There were some other stipulations, one of which was that in lieu of all taxes the company should pay into the State treasury annually seven per cent. of the net earnings of the road. In the Constitution of 1870 it was provided that neither the Legislature nor any other branch of the State government should ever have power to modify or rescind this arrangement (separate section following Art. XIV., Ill. Const.).

60. Illinois and Michigan Canal—While the public works authorized in 1837 proved a failure, there was one undertaking which was carried to completion—the Illinois and Michigan Canal. The portage between Lake Michigan and the Des Plaines River was long used by the French explorers, and the idea of connecting these waterways by a canal was suggested at an early date. In 1822 Congress authorized the State to construct the canal through the public land, and in 1827 in addition gave the State a grant of land which

might be sold to pay the cost. The actual work was begun in 1836, and was carried on, through many financial difficulties, until its completion in 1848. The debt incurred was paid off in 1871. The canal is ninety-three miles long, and extends from Chicago to Lockport, at the head of navigation on the Illinois River.

The State Constitution forbids the sale or lease of the canal without the consent of the people, given at one of the general elections (separate Section III., Ill. Const.)

The canal is controlled by a commission of three persons, appointed by the governor, with the approval of the Senate, for two years.*

61. Buildings belonging to the State are mostly those of the State institutions—the university, penitentiaries, asylums, and the like. They are built and controlled by the respective boards.

The State Capitol at Springfield is a building which was constructed under authority of an act passed by the General Assembly in 1867. Its cost was upwards of $4,000,000. In it are rooms for the sessions of the two houses of the Legislature and of the Supreme Court, besides offices for the governor and for many other executive officers and boards. It also contains the State libraries. The Legislature is forbidden to make appropriations for the building and grounds to exceed $3,500,000 without the consent of the people given at a general election (Art. IV., § 33). The secretary of state is the custodian of the building.

* Rev. Stat., c. 19, § 1.

AUXILIARY BOARDS

62. In order more perfectly to carry out the Constitution and laws, several commissions are created whose duties are to aid in the performance of duties assigned to certain specific departments of the government.

63. Election Boards—The election of State officers and of Federal Presidential electors and representatives is by the people. It is necessary that the official report of these elections should be reviewed by some competent authority which shall officially determine and announce the results.

All election returns for Presidential electors, representatives in Congress, members of the State Legislature, State judicial officers, and members of the State boards of equalization are sent by the county clerks to the secretary of state. That officer, together with the auditor of public accounts and the attorney-general, form the State Board of Elections to verify the returns.

Election returns for the offices of governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, and superintendent of public instruction are sent by the county clerks to the secretary of state in sealed envelopes addressed to "The Speaker of the House of Representatives." * On the meeting of the General Assembly, the speaker opens the envelopes in the presence of both houses, and reads the returns. The Legislature acts as a State board of elections to verify these returns and to settle contests (Art. V., § IV.).

64. Commission of Claims — According to the Constitution of the United States (Amendment XI.),

* Rev. Stat., c. 46, §§ 76–78.

a State cannot be sued by any citizen. Accordingly, if individuals have any legal claims against the State, founded on any law or on any contract with the State government, the only way of getting these claims paid, if there is a dispute, is to lay the matter before the General Assembly. In order to save the time of that body, it has been provided by law that there shall be a Commission of Claims.* This body is composed of three persons, lawyers, not more tham two of whom may belong to the same political party. They are appointed by the governor, with the approval of the Senate, for four years. The commission meets annually at Springfield, in August. Their awards on claims are reported to the governor, and by him are laid before the Legislature.

65. State Board of Equalization—Taxes voted by the General Assembly are based on the value of property throughout the State, as determined by the assessors and the various county boards (p. 151). The county clerks report the results to the State auditor. It is quite possible that assessors in different counties may not always determine the value of property on the same basis, and therefore that some counties may be assessed too much and others too little. Of course this makes no difference for county taxes, but it would not be fair in laying State taxes. To remedy this difficulty the law provides for a State Board of Equalization.† This board consists of one member from each congressional district, chosen by the people at the same time as the choice of Presidential electors, for a term of four years. It is the duty of the board to equalize

* Rev. Stat., c., 26a. † Rev. Stat., c. 120, §§ 100–116.

the assessment of property values among the counties by raising or lowering such as they think proper, within certain limitations.

66. State Board of Pardons—As has already been explained, the governor has the power to pardon criminals (p. 79). In order to relieve him to some extent from the great labor and pressure involved in the exercise of this power, the General Assembly by law has established a Board of Pardons. This consists of three persons, not more than two of whom may belong to one political party. They are appointed by the governor for three years.

The constitutional provision which gives the governor the pardoning power (Art. V., § 13) reserves to the Legislature the right to prescribe the manner in which applications for pardons shall be made. The law requires the application to go to the board, which then considers the case and recommends to the governor such action as in the opinion of the board is proper. The recommendation of course is not binding on the governor; and a petition for reprieve in case of a death penalty may go directly to the governor.*

* Act of 1897.

CHAPTER VIII

THE JUDICIARY

LAW AND COURTS

(See also pp. 75–86)

1. Rights—Two of the main reasons for having a government are in order that people may know their rights, and in order that these rights may be protected.

People have a right, for instance, to own and use property—to move about freely from place to place—to make agreements with one another.

Without a government there may be great differences of opinion as to what are the things to which people have rights, and it may be very difficult for people to protect themselves against others who are unscrupulous. In countries newly settled there has sometimes been just that state of things, and every one there has had to be ready to defend life and property by force.

Government, then, makes laws which enumerate and define rights; at the same time the government provides the means of protecting such rights.

2. Obligations—On the other hand, no one has any business to interfere with people in the enjoyment of their rights. One who deprives another wrong-

fully of his property, for example, is a thief or a robber. The duty to respect the rights of others is what we mean by an *obligation.*

3. Criminal Laws—There is one class of laws which forbid certain acts to be done, and prescribe a penalty for the commission of such acts. The violation of one of these prohibitions is a *crime.* The laws in question are called *criminal* laws.

The Illinois criminal code contains a long list of acts which are forbidden as crimes—burglary, murder, perjury, and many others.* One large part of the business of the police and of law courts is taken up with the prevention, detection, and punishment of criminals.

4. Civil Suits—People who are not criminals may differ as to what are their rights. There may be difference of opinion as to the facts in dispute, and difference of opinion as to what the law means. The laws define the rights at issue, and in such cases, if the parties cannot agree, it is the business of the courts to decide what are the facts and how the law applies. Such business of the courts is called *civil,* instead of criminal. For instance, two men may have a contract. In carrying it out they may not be able to agree. Then, at the request of one of them, it is for the courts of law to decide what are the respective rights of the parties under the law which regulates contracts. So far as law is concerned, then, people have only those rights which the laws enumerate and define, and are under obligation to do or not to do those things which the laws specify.

The supreme law of the land—the law with which

* Rev. Stat., c. 38.

no other law must conflict—is the Constitution and laws of the United States.

Next in importance, in this State, is the Constitution of Illinois. Neither the Legislature nor any other authority in the State may enact a law which conflicts with the State Constitution.

5. Illinois Revised Statutes—The great mass of laws which determine private rights in Illinois—*i. e.*, the rights of individuals—are the laws of the State, found either in the Constitution or in the statutes passed by the Legislature. They are nearly all gathered together in a large volume called the "Revised Statutes." As at every session the Legislature makes more laws, the Revised Statutes will seldom have quite all the laws of the State.

6. English Law—Very many of the rules of law followed by our courts are English. Before the Revolutionary War the laws of England were in force throughout the colonies. The lawyers and the courts were accustomed to English legal methods and rules. These have been continued. The General Assembly has enacted that the laws of England which were in force when the first English settlement was made in America (1607), with some express exceptions, and so far as these laws are applicable here (*i.e.*, so far as they are not peculiarly applicable to England), shall continue to be in force in this State until repealed by act of the Legislature.*

Such laws are of two kinds. Part of them are acts of the English Parliament. Part are what is known as the Common Law.

* Rev. Stat., c. 28.

7. Common Law—The Common Law is simply the long-established customs of the English courts. Many of these customs, whose origin goes back so far as to be lost in antiquity, still prevail in the Illinois courts.

Of course, if an act of the Legislature conflicts with any portion of the Common Law, the act stands and has the effect of repealing the custom which it contravenes.

8. Criminal Cases—If a person is arrested on the charge of committing a crime, it is a principle of American law that penalty cannot be inflicted until the guilt of the accused is proved by a trial before a court of law. This court consists of a judge, who presides and decides questions of law, and a jury, which (in Illinois) decides questions both of law and fact. In most States the jury decides merely questions of fact.

The judge is an officer of the State who holds office for a definite term of years.

The jury consists of citizens who are selected to act for a given trial, or during a particular session of the court.

9. Civil Cases—If there is a dispute between people as to their rights, and they are unable to agree, the dispute may be settled by a trial in a court of law. The court usually consists, as in criminal cases, of judge and jury.

10. Appeals—It is also the custom to allow either party to a suit, if he is dissatisfied with the decision, to appeal to a higher court (pp. 119, 120, 122).

11. Grades of Courts—The judiciary department, then, must contain a series of courts, so that appeals

may go from one to the next higher, with one highest of all for the whole State.

The lowest courts are local, and will be described under the head of "Local Government" (pp. 130, 132).

The State courts are of three grades—Circuit, Appellate, and Supreme.

CIRCUIT COURTS

12. Circuits—The State is divided by act of the Legislature into (at present) thirteen circuits, outside of Cook County. Each consists of contiguous counties, and they are approximately equal in population. The judges of the circuit courts are elected by the people of the respective circuits * (Art. VI., § 15).

13. Circuit Judges—Election—Three judges are chosen in each circuit, for a term of six years. The election is held the first Monday of June (Art. VI., § 12). The first under this law was in 1879. The purpose in holding the election in the summer is to keep the selection of judges, as far as possible, free from party politics.†

14. Qualifications—The qualifications for election to a circuit judgeship are age, citizenship, and residence. The candidate must be a citizen of the United States, at least twenty-five years of age, a resident of the State five years next preceding the election, and a resident of the circuit at the time of the election Art. VI., § 17).

15. Salary—The salary of circuit judges is $3,500, except in Cook County (p. 119), in which the salary is

* Rev. Stat., c. 37, § 72. † Rev. Stat., c. 37, § 75.

$7,000. The salary cannot be increased or diminished during the term for which a judge is elected (Art. VI., § 16).*

16. Terms—Each judge in a circuit holds court successively in the various county seats.† It is for this reason that the court is called *circuit.* The judges arrange among themselves the order in which they shall severally visit the different counties. The law fixes the dates of holding court at each county seat ‡ (Art. VI., § 14).

17. Jurisdiction—The original jurisdiction of a circuit court extends to all cases in law and equity (Art. VI., § 12). The appellate jurisdiction of the circuit court covers appeals from county courts and probate courts, with certain exceptions, and from justices of the peace.§

18. Courts of Cook County—Cook County, on account of its great population, constitutes a judicial circuit, and has a large number of judges. Besides the circuit judges, there are also the judges of a superior court, with similar jurisdiction.

APPELLATE COURTS

19. Appellate Districts—The State is divided by act of the General Assembly into four appellate court districts ‖ (Art. VI., § 11). Cook County is one. The others are the three former Supreme Court grand divisions—Northern, Central, and Southern. In each

* Rev. Stat., c. 53, §§ 3, 61.
† Rev. Stat., c. 37, § 74.
‡ Rev. Stat., c. 37, §§ 77–78m.
§ Rev. Stat., c. 37, §§ 212, 226; c. 79, § 115.
‖ Rev. Stat., c. 37, §§ 18, 1.

district there is an appellate court of three judges. The places of meeting are Chicago, Ottawa, Springfield, and Mt. Vernon.

20. Selection—The three judges are selected by the Supreme Court from the circuit judges of the district. In Cook County they are selected from circuit or superior judges.*

21. Jurisdiction—The appellate court has no original jurisdiction,† but hears only appeals and writs of error from the lower courts—the circuit courts, the superior courts of Cook County, county and probate courts, and city courts—as regulated by statute. Criminal cases, cases involving the validity of a law, and some others are not appealed to the appellate courts, but go directly to the Supreme Court. In cases of minor importance the decision of the appellate court is final. Others may be further appealed to the Supreme Court. But if the appellate court thinks proper, any case decided by it may be appealed to the Supreme Court.

22. Organization—The three judges of an appellate court sit together, choosing one of their own number to preside. Two are necessary for a quorum, and the concurrence of two for the validity of a decision. There is no jury.‡

THE SUPREME COURT

23. The Highest Court of the State is the Supreme Court, which holds its sessions in the capitol at Springfield (Art. VI., §§ 2–10).

* Rev. Stat., c. 37, § 22. † Rev. Stat., c. 37, § 25.
‡ Rev. Stat., c. 37, §§ 23, 24.

24. Election—The Supreme Court consists of seven judges elected by the people for a term of nine years. The election is held on the first Monday in June. They are not all chosen at the same time. The term of one expires in 1900, of a second in 1903, and of the remainder in 1906. This comes about because under the Constitution of 1848 the Supreme Court consisted of three judges, elected for nine years, one being chosen every three years. The Constitution of 1870 added four more, and prescribed that they should be elected for the next ensuing nine-year term.

25. Districts—For the election, the State is divided into seven districts, and each district elects one judge.* The term of the judge chosen in the fifth district expires in 1900, and that of the judge chosen in the fourth district in 1903.

26. Qualifications—The qualifications for election are citizenship, age, and residence (Art. VI., § 3). The candidate must at the time of his election be a citizen of the United States, at least thirty years old, a resident of the State for the five years next preceding the election, and a resident of the district in which he is chosen.

27. Salary—The salary of supreme court judges as fixed by the Legislature is $5,000 † (Art. VI., § 7). This salary cannot in any case be increased or diminished during the term for which a judge was elected.

28. Organization—The judges meet together, four constituting a quorum, and the concurrence of four is necessary to a decision. They elect one of their number as chief justice. The court appoints a reporter for the term of six years (Art. VI., §§ 2, 6, 9).

* Rev. Stat., c. 37, § 2. † Rev. Stat., c. 53, § 60.

29. Terms—The court holds four terms a year. Until 1897 the court met at three places: Springfield, Ottawa, and Mt. Vernon. The State was divided into three grand divisions, and the court met in each. Now the meeting is at the seat of government, Springfield.*

30. Jurisdiction—The Supreme Court has original jurisdiction in cases relating to the revenue of the State and to cases of *mandamus* and *habeas corpus* (Part I., pp. 88, 160). In all other cases the court has appellate jurisdiction (Art. VI., § 2).

A writ of *mandamus* is an order issued by the court directing some one to do a certain act.

Appeals come to the Supreme Court from county and probate courts, from circuit courts and the superior and criminal courts of Cook County, from city courts, and from appellate courts, as prescribed by statute.† The decision of the Supreme Court is final, unless under circumstances which permit appeal to the Supreme Court of the United States.

* Rev. Stat., c. 37, § 1.

† Rev. Stat., c. 37, §§ 257, 227, 213, 88, 25.

CHAPTER IX

LOCAL GOVERNMENT—COUNTIES AND TOWNS

POLITICAL DIVISIONS OF THE STATE

(See also Chap. III.)

1. By Local Self-government in the United States we mean the government of each subdivision of a State by the people who inhabit that subdivision. It is the American practice to extend local self-government in this sense as far as possible.

There are many matters of public concern which are, however, of public concern only for the people of a portion of the State. These people, then, ought to regulate such matters as they please. Things which interest the whole State, on the other hand, belong to the whole State to manage.

2. Counties—The State is divided into counties (p. 28). In Illinois there are now 102 counties. The first county organized within the present limits of the State, as has been said before, was St. Clair County. It was organized by General Arthur St. Clair, Governor of the old Northwest Territory, in 1790, and was named from him. As the population of the State grew and spread, this county was subdivided, and more counties were formed. They bear the names, some of eminent politicians, statesmen, or soldiers, like Washington, Hamilton, Knox, Jefferson, Jackson; some of men prominent in State affairs, like Menard (from the

first lieutenant-governor), Bond (from the first governor of the State), La Salle (from the famous French explorer); some from the names of rivers or Indian tribes, like Kankakee, Sangamon, Winnebago, Iroquois.

3. Towns and Townships—The counties are in many cases divided into towns, often loosely called townships (p. 30). These are not the same. Even if the boundaries of the town coincide with those of a congressional township, it must be remembered that even then township and town are different things. The one is a piece of land irrespective of whether it has inhabitants or not. The other may be the same piece of land, but it is that land inhabited—it is a town only because it is inhabited, as a convenience for local government. In short, a *town* is a unit of local government in a county; a *township* is a unit of measure in the land survey, without any regard to counties or States.

COUNTY GOVERNMENT

4. The counties are units of local government into which the State is divided. Counties are formed merely for convenience of government. Each county, then, has a government of its own.

5. The County Board — In the county government the legislative and executive branches are not so sharply divided from each other as is the case in the State. The county legislature is the County Board. In a county which is divided into towns, the County Board is called the Board of Supervisors.* In counties not so divided and in Cook County, the board is called

* Rev. Stat., c. 34, § 23.

the Board of County Commissioners. But the County Board is more than a legislative body. It also has a number of administrative duties. In this respect it is quite like the various State executive boards which we have already examined. Indeed it is for this reason that the name "board" is applied to the county legislature.

6. The Board of Supervisors — A Board of Supervisors is composed of one supervisor from each town, elected for one year at the annual town meeting the first Tuesday in April. Of course, then, there are as many supervisors in the board as there are towns in the county. The board chooses its own chairman. A majority of all the supervisors forms a quorum.

7. Board of County Commissioners — A Board of County Commissioners is composed of three persons, elected by the people of the county for a term of three years* (Art. X., § 6). One commissioner is elected annually, on the Tuesday after the first Monday in November. The board, therefore, like the State Senate, is a continuous body. They elect their own chairman. A majority of the members forms a quorum.

8. Board of County Commissioners in Cook County — The Board of County Commissioners in Cook County consists of fifteen persons, ten from Chicago, elected by the voters of Chicago, and five from the remaining towns of the county, elected by the voters of those towns. The term is two years. All are chosen at each general election, in November. The president of the board is elected by the people, being one of the fifteen designated for that office.†

* Rev. Stat., c. 46, § 28. † Rev. Stat., c. 34, §§ 60, 61.

9. Powers and Duties of County Boards — The County Board manages the public buildings and money of the county, lays taxes for county purposes, and performs such other duties as the law may direct. The public buildings of the county are a court-house and jail, and sometimes others—for instance, an insane asylum, work-house (for criminals), and poor-house. The County Board also equalizes assessments for the county, as the State Board does for the State (p. 112).*

10. County Executive and Judicial Officers — The duties of the County Board are, as has been said, largely executive. But there are also county officers whose duties are wholly executive. There are others whose duties are partly executive and partly judicial.

Each county has a clerk, treasurer, sheriff, coroner, State's attorney, superintendent of schools, surveyor, and clerk of the circuit court (Art. X., § 8; Art. VI., § 22; Art. VIII., § 5).

In counties not under town organization, the treasurer acts as assessor and the sheriff as collector of taxes.† In counties with a population of 60,000 or more there is also a recorder of deeds.

In Cook County there are also a clerk of the superior court and a clerk of the criminal court. In counties which have a probate judge there is also a probate clerk.

Each of these officers is elected by the people at one of the general elections for a term of four years, the term beginning the first Monday in December next

* Rev. Stat., c. 34, §§ 25, 26; c. 120, §§ 97, 98.

† Rev. Stat., c. 46, §§ 16–27.

following the election. The treasurer and sheriff are ineligible for a second successive term.

The treasurer, recorder of deeds, surveyor, State's attorney, and clerks of circuit and superior courts are elected at the same time as the governor. The others are elected two years later.

11. No Supreme Executive Officer — There is in the county no one officer vested with supreme executive power, and so corresponding to the governor of the State. So far as such power exists in the county it is in the hands of the County Board. But the county officers are to a large extent independent of the board, just as the State heads of departments are of the governor (p. 74).

12. The County Clerk keeps the records both of the County Board and of the county court.* He records and issues warrants on the treasurer, issues marriage licenses, keeps records of assessment of taxes and furnishes the same to tax collectors, and keeps such other records as may be required by law.

13. The County Treasurer receives and keeps the money of the county, and pays it out as may be authorized by law.† He has his accounts examined and verified by the County Board every six months.

14. The Sheriff is the chief peace officer of the county.‡ It is his duty to prevent or suppress public disorder or crime, and to arrest offenders.

He also serves and executes all writs, warrants, and other judicial orders legally entrusted to him.

* Rev. Stat., c. 25, § 2; c. 35, §§ 9, 10; c. 120.

† Rev. Stat., c. 36; c. 120, § 144.

‡ Rev. Stat., c. 125, §§ 14–19.

He attends all courts of record held in the county and obeys the lawful orders of such courts.

He is the custodian of the court-house and jail, and performs such other duties as may be required by law.

The sheriff appoints deputies to aid him in his duties.

15. The Coroner ascertains the cause of death of persons who are supposed to have died by violence, accident, or any unlawful means.* This investigation is called an inquest, and the coroner is aided by a jury of six men, whom he selects. If the verdict of the jury incriminates any one, it is the duty of the coroner to cause an arrest.

The coroner is also a conservator of the peace. He acts as sheriff in case of vacancy in that office, or in any case in which the sheriff is interested.

16. The State's Attorney is the official lawyer of the county government.† He manages for the county all suits at law to which the county is a party. It is his duty to see that persons whom he believes to be criminals are indicted by the grand jury and arrested, and he conducts the case against the accused at the trial. He is the legal adviser of the officers of the county government.

17. The County Superintendent of Schools is entrusted with the general supervision of the public schools of the county. ‡ He inspects the schools, advises teachers and schools' officers, holds teachers' institutes, examines and licenses teachers, and performs many other duties.

* Rev. Stat., c. 31. † Rev. Stat., c. 14, § 5.
‡ Rev. Stat., c. 122, §§ 19, 20.

18. The County Surveyor makes surveys of land at the request of any individual, and keeps records of the same.*

19. The Clerks of Courts keep record of the proceedings of their respective courts, and of all matters relating thereto.†

20. The Recorder of Deeds keeps records of all papers relating to the ownership of lands—deeds, mortgages, and the like. ‡ In counties with a population of less than 60,000, the clerk of the circuit court acts as recorder of deeds.

It will be seen that the county clerk, sheriff, and coroner are partly executive and partly judicial in their functions, that the treasurer, recorder of deeds, surveyor, and superintendent of schools are wholly executive. The State's attorney and clerks of courts are judicial officers.

21. The Torrens Land Title System—The land records of each county show the title to every piece of land within the county limits. These records are very complicated, as it is necessary to enter in the books every transaction relating to any real estate. For this reason when an owner has occasion to prove that there is no flaw in his title, if he wishes to sell his land or to borrow money on mortgage, for instance, it often takes much time and costs much money to accomplish his purpose.

A recent law—called usually the "Torrens" law, from the name of Sir Robert Torrens, an Australian who put the principle in its present form—is intended to simplify this process. §

* Rev. Stat., c. 133, § 4.

† Rev. Stat., c. 25, § 13.

‡ Rev. Stat., c. 115.

§ Act of May 1, 1897.

Each county may adopt the plan or not, as may be decided by the voters at a general election.

In a county in which the system is in operation the recorder of deeds is made *registrar of land titles.* Any one who has an interest in real estate may have the title registered in the office of the registrar. That officer examines the title, and if he decides that it is a good one he issues a *certificate of title.* A similar certificate is given thereafter each time the land is sold or in any way encumbered with debt. This makes the whole process of land transfer much more simple and safe.

A person registering his title pays a fee. The fees thus received are kept by the county treasurer as a fund from which damages are paid to any one who suffers loss by a wrongful decision with reference to any title.

22. Compensation—County officers are paid either in salaries or fees, or both. In no case must the salary exceed the amount of the fees collected in the course of duty (Art. X., §§ 9, 10).

23. The County Judiciary—Each county has a county court. The presiding officer is the county judge (Art. VI., §§ 18, 19).

The county judge is elected by the people of the county for a term of four years. The election occurs at the general election midway in the governor's term, and the judge takes office the first Monday in December following. The salary is fixed by the County Board.*

The county court is held in the court-house at the county seat.

* Rev. Stat., c. 37, § 89, etc.

The jurisdiction is of two kinds—law and probate.

The law jurisdiction is concurrent with that of the circuit court in all matters of the same kind as are triable in the court of a justice of the peace (p. 134), provided the amount in dispute shall not exceed $1,000; and in all criminal cases in which the offence charged is not an infamous crime (p. 134).

24. Probate Courts—The probate jurisdiction extends to the proving ("probate") of wills; the settlement of the estates of deceased persons, whether they leave a will or not; the appointment of guardians; proceedings for the collection of taxes; and some other matters.

In counties having a population of over 50,000 the General Assembly may establish separate probate courts (Art. VI., § 20).* The law in fact puts the limit at 70,000.

The probate judge is elected at the same time as the county judge, for the same term. The salary is fixed by the County Board. His jurisdiction is the probate jurisdiction of the county court.

TOWN GOVERNMENT

25. Towns are subdivisions of a county, organized for convenience of local government.† Nearly all the counties of the State now have the town system of government.

As in the State and the county, there are the three branches of government—legislative, executive, and judicial.

* Rev. Stat., c. 37, § 216. † Rev. Stat., c. 139.

26. The Town Legislature—The legislature of the State and that of the county are representative bodies, elected by the voters. In the town, on the other hand, the legislature is the voters themselves, assembled in mass meeting.

The annual town meeting is held on the first Tuesday in April.* Towns wholly included within the limits of a city hold the election on the same day as the city election (p. 138). The town clerk elected the year preceding acts as clerk of the meeting. A chairman is chosen, called the moderator.

The business of the town meeting is the election of town officers and legislation for the town. Legislation may consist of laying taxes for roads, bridges, and a few other purposes, providing for keeping the roads clear of stray cattle, and a few other things. At the annual meeting the officers present their reports for the year past.

Special meetings of the town may be called when necessary.

27. The Town Executive Officers—The town executive officers are the supervisor, clerk, assessor, collector, and three highway commissioners. They are elected at the annual town meeting by ballot, the supervisor for two years, the highway commissioners for three years, and the others for one year.

28. The Supervisor is a member of the County Board—receives and pays out county money (except that for roads and bridges), is overseer of the town poor, and performs some other duties.†

* Rev. Stat., c. 139, §§ 51, 40, 138, etc.

† Rev. Stat., c. 139, § 101, etc.

The supervisors of Cook County are not members of the County Board.

In populous towns assistant supervisors are elected, who are members of the County Board, but have no duties as town officers.*

29. The Town Clerk keeps the records of town meetings, certifies to the county clerk the amount of taxes required for town purposes, and has a few other duties.

30. The Assessor estimates the value of the property of each taxpayer in the town, and renders an exact statement of the same to the county clerk. The taxes to be raised, whether State, county, or town, are levied on the taxpayers in proportion to the assessed value of their property.

31. The Collector collects the tax from each taxpayer, and turns the money thus collected over to the town officers authorized to receive the same (the supervisor and the highway commissioners) and to the county collector (p. 126) respectively. The part of the tax which is for the county and the State goes to the county collector.

32. One Highway Commissioner is elected each year.† The three commissioners choose one of their number as treasurer. He receives the money paid in by the collector for roads and bridges, and pays it out on the order of the commissioners—two being a quorum. The roads and bridges in the town are under the charge of the Highway Commission. The road tax may be paid in money or in labor if the voters so decide. ‡

* Rev. Stat., c. 139, § 110. † Rev. Stat., c. 121, §§ 2–5.
‡ Rev. Stat., c. 121, § 80.

33. The Town Judiciary Officers—Election and Tenure—The town court is that of the *justice of the peace.* The justices are elected by the people for a term of four years (Art. VI., § 21). There are at least two chosen in each town, at the April town meeting next following the election for governor. An additional justice is elected for each thousand inhabitants in excess of two thousand, until the whole number reaches five—which is the greatest number allowed to any town.*

34. Chicago Justices—The Chicago justices are appointed by the governor, with the approval of the Senate, on nomination by the judges (circuit, superior, county, and probate) in Cook County.†

35. Jurisdiction—The jurisdiction of justices of the peace extends to civil cases of certain kinds in which the value in dispute does not exceed two hundred dollars, to misdemeanors in which the penalty is a fine not exceeding the same amount, to cases of assault and battery, and other minor matters. ‡

36. Jury—Either party to a trial in a justice's court may demand a jury, which shall consist of any number from six to twelve, as either party may decide. §

37. A Misdemeanor is any offence against the laws which is not a felony. ‖

38. A Felony is an offence punishable with death or imprisonment in the penitentiary. This is what is meant by an *infamous* crime.

39. Assault and Battery is the unlawful beating of

* Rev. Stat., c. 79, § 1. † Rev. Stat., § 2. ‡ Rev. Stat., § 16.
§ Rev. Stat., § 48. ‖ Rev. Stat., c. 38, §§ 277, 278.

another. *Assault* is an attempt to do violent injury to another coupled with a present ability to do it.*

40. Constables are the town police officers. There is one elected for each justice of the peace, at the same time and for the same term.

The constable is the peace officer of the town, as the sheriff is of the county.† It is the constable's duty to put down public disorder, to arrest persons suspected of offenses against the laws. He also executes warrants.

A warrant is a judicial order to a peace officer, authorizing search or arrest.

41. Town Boards—The town officers form certain boards for specific purposes.

42. The Board of Town Auditors consists of the supervisor, town clerk, and justices of the peace. This board examines all of the town accounts and certifies to such as it approves. ‡

43. The Town Board of Health consists of the supervisor, assessor, and town clerk. They take precautions against the spread of contagious diseases.§

44. The Town Board of Appointment consists of the justices of the peace, the supervisor, and the town clerk. They have power to make appointments to fill vacancies in town offices. ‖

COUNTIES NOT UNDER TOWN GOVERNMENT

45. The Board of County Commissioners is the county legislature (p. 124). The executive and judicial

* Rev. Stat., c. 38, § 21. † Rev. Stat., c. 38, § 340.
‡ Rev. Stat., c. 139, § 118, etc.
§ Rev. Stat., c. 139, § 127. ‖ Rev. Stat., c. 139, § 97.

officers are the same as in counties under town government.

Counties not under town government are divided into election precincts by the County Board.*

The County Board appoints a county assessor, and he appoints deputies to aid him.†

Justices of the peace and constables are elected in each election precinct, in all respects as is provided in the case of towns. The election is on the Tuesday after the first Monday in November, in the year following the election of the governor. ‡

Of the 102 counties in Illinois, all but nineteen are under town government at the present time (1899). The nineteen are: Alexander, Calhoun, Cass, Edwards, Hardin, Henderson, Johnson, Massac, Menard, Monroe, Morgan, Perry, Pope, Pulaski, Randolph, Scott, Union, Wabash, Williamson.

A glance at the map will show that the most of these are in the southern part of the State. The first American settlers of Illinois came into the southern counties, largely from Kentucky and Virginia. They brought with them Southern ideas of local government, one of which was the county commissioner plan of governing counties. The township and town meeting originated in New England, and these ideas were brought by Eastern settlers into the northern part of the State. From this portion the system, first permitted by the Constitution of 1848, has spread until now it includes eighty-three counties.

* Rev. Stat., c. 46, §§ 29, 30. † Rev. Stat., c. 120, § 72.
‡ Rev. Stat., c. 79, § 1.

CHAPTER X

LOCAL GOVERNMENT—MUNICIPALITIES

CITIES AND VILLAGES

1. The plan of local government for counties and towns is adapted to people living not very close together in a rather large area of country. When homes are more crowded, however, so that quite a number of people are living in a rather small area, a different plan is desirable. The conditions of life are different. There is more danger of fire, and disease, and thieves; the streets need to be better paved; there has to be a better system of getting rid of garbage; drainage is more difficult; schools are more largely attended and usually demand higher grades of work. For these reasons the laws provide a special system of local government for cities and villages.

The only difference between a city and a village is in the number of people. A small city is not very different from a large village. But a large city and a small village differ in their needs even more than the village does from a farming community. For this reason the law recognizes different plans for the government of a city from that for the government of a village.

CITY GOVERNMENT

2. General Law—The government of cities in Illinois must be provided by a general law (Art. XI.,

§ 1).* Thus special charters are forbidden. There are still in force some provisions of special charters granted before the Constitution of 1870 was adopted. But since 1870 no such charters have been possible.

The general law provides for a government, like that of the State, of counties, and of towns, which shall have the three branches—legislative, executive, and judicial.

3. City Elections—City elections are held on the third Tuesday in April; cities, however, which include a town or towns within their limits, hold their election on the first Tuesday in April. This is the case in Chicago.†

THE CITY LEGISLATURE

4. The Common Council is the city legislature. The members of the Common Council are called *aldermen*. The city is divided into *wards*, as the State is into counties—excepting that the wards practically do not govern themselves. The number of wards is one-half the number of aldermen to which the city is entitled. A city may have not less than six or more than seventy aldermen, depending on the population.‡

Each ward elects two aldermen for a term of two years—one being elected each year. Thus the Common Council, like the State Senate, is a continuous body. Cities may, if they please, adopt a plan of minority representation in the Common Council.

The election is held on the third Tuesday in April—excepting in cities which include a town within their

* Rev. Stat., c. 24. † Rev. Stat., c. 24, § 48.
‡ Rev. Stat., § 30.

limits, in which the election is on the first Tuesday in April.

The mayor (p. 140) presides over the Council,* and has the veto power, like that of the governor. He votes only in case of a tie, like the lieutenant-governor.

The laws passed by the Common Council are called *ordinances*.†

5. Powers and Duties—The powers of the Common Council are very numerous.‡ They may, as a whole, be grouped under the following heads: *Finance*, including the laying of taxes for city purposes and making appropriations from the city treasury; *streets*, including their paving and drainage, keeping them clean, and regulating the whole matter of transit, especially as relates to street railroads; *public health and comfort*, including the supply of the city with water and light, provision for sewers and the disposal of garbage, sanitary regulations and public recreation; *the regulation of commerce*, for the prevention of frauds and public inconvenience; *education*, by providing for free schools in all proper parts of the city; *public safety*, by providing for the protection of the persons and property of citizens, especially through the police and fire departments.

The various matters included under these heads are administered by such executive officers as may be entrusted with them by the law of the State or by ordinance of the Common Council.

* Rev. Stat., c. 24, §§ 53, 54. † Rev. Stat., § 46.
‡ Rev. Stat., § 62.

THE CITY EXECUTIVE

6. The State law provides for the election of the following city executive officers: A mayor, city clerk, city attorney, and city treasurer. They are chosen at the city election in April of the odd numbered years. Their term is two years.*

The law authorizes the Common Council to provide by a two-thirds vote for such other officers † as may be deemed expedient, and leaves to the discretion of the Council whether such officers shall be elected by the people or appointed by the mayor with the approval of the Council.

7. The Mayor is the chief executive officer of the city. ‡ He must be a citizen of the United States, and a voter and resident in the city. He is the conservator of the peace of the city, and as such has the powers of a sheriff. He may remove from office, under certain restrictions, any officer appointed by him. Like the governor, he recommends measures of legislation, in his annual message, or special messages, to the Common Council. He performs such other duties as may be required by law or ordinance, and he takes care that the laws and ordinances are faithfully executed.

If in case of vacancy in the office of mayor, it is filled by a special election if the vacancy is a full year or over—otherwise the Common Council elects one of its members as acting mayor for the unexpired term.

* Rev. Stat., c. 24, §§ 72, 48, 49.

† Rev. Stat., c. 24, § 73. ‡ Rev. Stat., c. 24, § 14, etc.

In case of the temporary absence from the city, or disability, of the mayor, the Common Council elects one of its members as mayor *pro tempore.*

8. The City Clerk is clerk of the Common Council and keeps its official records and papers.

9. The City Attorney is in charge of the city law business—corresponding to the attorney-general for the State and to the State's attorney for counties.

10. The City Treasurer keeps the city funds and pays them out as directed by law. He makes monthly statements and an annual report of the state of the treasury.

Besides the above statutory officers, cities establish such others as they may need under the power granted to the Common Council.

11. Executive Departments in Chicago—In accordance with this power, the city of Chicago has organized a number of executive departments, entrusting to each the administration of a particular branch of the city business. As a rule the head of each department is appointed by the mayor, with the consent of the Common Council; the tenure of office is two years—and heads of departments appoint their subordinates with the approval of the mayor. The departments are those of finance, public works, buildings, law, health, police, and fire, besides several offices of inspection. Education is under the charge of a separate board, in accordance with the State laws.

12. The Department of Finance includes the comptroller, the treasurer, the collector, and their clerks and assistants. The treasurer is elected by the people (p. 140). The comptroller is head of the department, both comptroller and collector being

appointed by the mayor, with the approval of the Common Council.*

13. The Comptroller—The duty of the *comptroller* is to exercise a general supervision over the financial affairs of the city. He is the fiscal agent of the city, and as such has charge of all valuable papers, like deeds, mortgages, and contracts, which are the property of the city. He audits the accounts of the city, and in general is responsible for fiscal administration. He appoints his own clerks with the approval of the mayor.†

14. The City Treasurer is a statutory officer, and his duties have been mentioned (p. 141). He appoints and dismisses his clerks and assistants. ‡

15. The City Collector takes charge of the collection of special assessments (p. 143) and has such other duties as may be assigned to him by law or ordinance. He makes daily payments to the treasurer, and files a monthly statement with the comptroller. The collector is appointed by the mayor, with the approval of the city council. §

16. The Department of Public Works has charge of the engineering and similar work belonging to the city. ‖ The head of the department is the commissioner of public works. The other officers are the city engineer, the superintendent of streets, the superintendent of water, the superintendent of sewerage, the superintendent of special assessments, and the superintendent of maps. The names of these officers perhaps sufficiently define their duties.

* Laws and Ordinances of Chicago, § 1001 (see Appendix, p. 260.)
† L. & O., § 1010, etc.
‡ L. & O., § 1030.
§ L. & O., § 1037.
‖ L. & O., §§ 1041, 1047.

"Special assessments" are assessments for taxes levied on particular pieces of real estate to pay for public improvements, such as street paving, from which the property taxed derives special benefit.

17. Department of Buildings—The *commissioner of buildings* * has charge of the inspection of all buildings erected within the city limits, to insure safe construction. He also inspects elevators. He has several inspectors and assistants to aid him in this work.

The city ordinances make certain regulations with regard to the construction of buildings—such as requiring suitable strength, forbidding wooden structures within certain limits, requiring fire escapes on hotels and similar buildings, requiring elevators to have proper construction and appliances for safety. The commissioner looks after these requirements. No one can put up a building or operate an elevator in a public building in the city without a permit from the department.

18. The Department of Law—The *department of law* † includes the corporation counsel, who is the head of the department, the city attorney, and the prosecuting attorney. The city attorney is elected by the people (p. 140). The prosecuting attorney is appointed by the mayor, on recommendation of the corporation counsel and the city attorney, with the approval of the city council. The corporation counsel has general charge of all law business in which the city is interested. The city attorney drafts ordinances at the request of the city council, or of any of its committees, and draws up legal papers, like deeds and

* L. & O., § 1107. † L. & O., § 1149.

contracts, when so desired by the head of any city department. The prosecuting attorney conducts all suits against violators of city ordinances.

19. The Department of Health—The head of this department is the commissioner of health.* The superintendent of police and the city physicians are *ex-officio* members of the department. The city physician is appointed by the mayor with the approval of the city council. The duty of the department is to exercise general supervision over the sanitary condition of the city.

20. The Department of Police—The department is under the control of the superintendent of police as its head.† Like other heads of departments he is appointed by the mayor with the approval of the city council. He appoints the members of the force, with the approval of the mayor.

It is the duty of the department to enforce the laws and ordinances and the orders of the mayor, to protect the rights of persons and property, to make arrest of law breakers. The police in a city have the same duties as the constable in a village or the sheriff in a county.

21. The Fire Department—The fire marshal is at the head of this department.‡ He is appointed by the mayor, with the approval of the city council. He appoints all officers and members of the department, with the approval of the mayor. He may remove any officer above the rank of captain, with the consent of the mayor. Any other officer or member of the department the marshal may remove at his own

* L. & O., § 1176. † L. & O., § 1228. ‡ L. & O., § 1268.

pleasure. The fire marshal has absolute control of this department, and for this reason he is held strictly accountable for its discipline and efficiency. The Chicago fire department, it may be added, is admirably managed and is highly efficient.

22. Offices of Inspection—Besides the executive departments, there are several executive offices of inspection. It is their purpose to protect the people of the city against certain dangers against which it would not be easy otherwise to guard. As a rule the name of the office defines its functions.

There is an *inspector of steam boilers*,* an *inspector of fish*,† an *inspector of milk*,‡ an *inspector of gas meters*, an *inspector of oils*,§ and an *inspector of weights and measures*.‖

23. The Park System—Parks are intended to be public pleasure grounds. Cities usually have something of the kind, and large cities have them on an extensive scale.¶

The Illinois law provides for the care of parks by commissions which are distinct from the city corporation. Such commissions, though local in their purposes, are appointed by the governor of the State or elected by the people of the park district. The Chicago parks consist of three systems—the north parks, the west parks, and the south parks.

24. Drainage Districts—One of the greatest engineering works of the State is the Chicago drainage canal. This is intended to connect the south branch of the Chicago River with the Illinois, thus reversing

* L. & O., § 1309. † L. & O., § 1326. ‡ L. & O., § 1347.
§ L. & O., § 1372. ‖ L. & O., § 1384. ¶ Rev. Stat., c. 105.

the current of the former river and turning the water of Lake Michigan towards the Mississippi. The purpose is to divert the sewage of the city of Chicago from the lake, whose waters form the supply of the city. The current of the canal will carry off the drainage of Chicago, and it is not impossible that some day there may be a ship canal as well.

The management of this great enterprise is in the hands of a board of nine commissioners, elected by the people of the Chicago sanitary district. The term of office is five years, and the election is on the plan of minority representation.*

VILLAGE GOVERNMENT

25. A village differs from a city usually in having a smaller number of inhabitants and a smaller area. Yet a large village may, under the laws of this State, be more populous than some small cities. In such cases it is at the option of the people whether they shall have village or city government.

26. Organization—Any incorporated town or any city may become a village if the people so decide at an election held for that purpose.† A new village may be created from any contiguous territory, not exceeding two square miles in area, which has a population of at least 300, and which is not included within any other village, incorporated town, or city, if the people concerned so vote at an election held for that purpose.‡

27. Form of Government—The government of a village differs from that of a city merely in being more

* Rev. Stat., c. 24, § 345. † Rev. Stat., c. 24, § 178.
‡ *Ibid.*, § 182.

simple. Of course for that reason it is less expensive. There are no wards in a village.

28. President—In place of a mayor, the chief executive officer is a *president.** He is elected by the people at the spring village election, for a term of one year. He has substantially the same powers as the mayor of a city.

29. Board of Trustees—In place of a city council, the village legislature is a *Board of Trustees.*† There are six trustees, three of whom are chosen each spring for a term of two years. Thus the board is a continuous body. The village president is chairman of the Board of Trustees. The clerk of the board is chosen annually by the people, at the spring election. The Board of Trustees has substantially the same powers as a city council.

30. Administrative Offices—The president and Board of Trustees may appoint a treasurer, a constable, and one or more street commissioners, and such other officers as may be necessary.‡ The constable has the same powers as town constables (p. 135), and all these officers have their powers, duties, and compensation fixed by the president and the Board of Trustees.

The annual village election is held on the third Tuesday in April, unless the territorial limits of the village coincide with those of a town, in which case the village election is held at the same time as the town election—on the first Tuesday in April.§

31. Village Court—At the village election a police magistrate may be chosen, who holds office for a term

* Rev. Stat., c. 24, § 193b.
† *Ibid.*, §§ 185–7.
‡ *Ibid.*, §§ 188, 189.
§ *Ibid.*, § 190.

of four years, and has the same jurisdiction as other justices of the peace.*

CIVIL SERVICE REFORM

32. Both in cities and counties there are many public officials who are not elected by the people, but are appointed by heads of departments. There are policemen, firemen, clerks, book-keepers, deputy sheriffs, and many more.

33. The "Spoils" System—It has come to be the custom when an election has changed those entrusted with appointments for them in turn to dismiss the former officials and appoint new ones. These appointments are very often made as rewards for some kind of political service.

34. Disadvantages—This system has serious disadvantages. Officials whose experience has made them valuable are liable at any time to be dismissed in favor of untried men. The reason for appointment being primarily political work, it may easily happen that incompetent persons are selected for the public service. Continuance in office depending rather on political activity than on the faithful performance of official duty, it is often the case that such duties are neglected in favor of the interests of particular politicians or political parties.

In order to remedy these evils, laws have been made which permit cities to adopt a different system.

35. City Civil Service Commission—If the voters of any city vote in favor of civil service reform, it

* Rev. Stat., c. 24, § 192.

becomes the duty of the mayor to appoint three civil service commissioners. Their term is three years, one being appointed annually.*

36. Appointments—Under rules adopted by the commission, applicants for office in the city departments are examined as to their qualifications and graded according to the result. When the head of a department needs a new appointee application is made to the commission. The name of the candidate standing highest on the list is furnished, and such person is appointed on probation. If the work is satisfactory the temporary appointment is made permanent.

37. Promotions—The commission is also authorized to make rules regulating promotions—which also under this system are to depend strictly upon proved merit instead of political influence.

38. The Classified Service—The "classified service," as it is called, does not include all the city employees, but does include a large number of them.

This system has been adopted by the city of Chicago.

A similar system has also been provided for Cook County.†

* Rev. Stat., c. 24, §§ 446–484.

† Rev. Stat., c. 34, § 62.

CHAPTER XI

PUBLIC REVENUE

THE NEED OF REVENUE

1. Government cannot be carried on without public funds to pay for its cost. Officers who give their whole time, or the main part of their time, to public duties have to be paid for their services. It is only certain boards (*e.g.*, those of the State University, the State Normal Schools, the insane asylums, and boards of education), the members of which are able to carry on their private business without material interruption, that receive no salaries. School buildings, sewers, street paving, and other public works are, of course, necessarily expensive.

TAXES

2. A Tax—As all the people of the State are benefited by the maintenance of law and order, by free schools, and other services rendered by the government, it is only proper that all the people should contribute towards the public funds. Such contribution is required by law, and is called a *tax*.

3. Poll Taxes—In some States a small tax is imposed on everybody, or at least on every adult male person. This is called a *poll tax*. There is no poll tax in Illinois.

4. Property Taxes—The objection to a poll tax is that everybody who pays it, whether rich or poor, pays the same amount. It seems only reasonable that those who have large property interests to guard should pay taxes in proportion. A tax levied on property is called a *property tax*, and is the only kind in Illinois. The Constitution requires that "Every person and corporation shall pay a tax in proportion to the value of his, her, or its property" (Art. IX., § 1).

5. Real and Personal Property—Property is of two kinds—real and personal. Real property (or real estate) consists of *immovables*—land and buildings. Personal property consists of *movables*—like money, horses, and household furniture.

ASSESSMENT AND COLLECTION OF TAXES

6. Assessment—If people are to pay taxes in proportion to the value of their property, it is necessary that there should be some uniform process of determining what property each person has, and what is its value. This process is called *assessment*. *Assessors* are officers, appointed or elected, as may be required by law, whose duty is to assess the value of all property within their respective districts, and to report the same for record. The proper legislative authority—the State Legislature, the local legislative board, or the people in town meeting—then decides the amount of tax to be raised in a given year. Knowing the total amount of property to be assessed, and the total tax to be levied, it is a mere matter of arithmetic to find the rate per cent. Then the tax due from each property owner is readily computed.

7. Special Taxes—Besides this form of property tax, there are also taxes on certain kinds of business and on inheritances (Art. IX., § 1).*

8. Special Assessments—Some kinds of improvements—as paving a city street, for example—are of more immediate benefit to particular taxpayers than to the community at large. Accordingly the law allows in such cases that the expense be met by a *special assessment* on those directly benefited (Art. IX., § 9).†

9. Sources of Taxation—The total tax levied in any one year consists of several parts—the State tax, the county tax, the city or village tax, the town tax (if any), besides school district taxes, park taxes, special assessments, and any other which may be authorized by law. Any individual taxpayer, however, pays but one sum, which is suitably distributed among these objects by the public officials.

10. Collection—When each person's tax has been duly determined, it is then collected by the tax collectors and paid over to the various public treasurers.

11. Assessors—In counties not under township organization, and in counties under township organization with a population of 125,000 or less, the county treasurer is the assessor. He has such deputy assessors as he may need.

In counties with a population of 125,000 or more a *Board of Assessors* is elected by the people. There are five members, chosen for a term of six years, so arranged as to be a continuous body.

* Rev. Stat., c. 120, § 307, etc.

† Rev. Stat., c. 24, Art. IX.

12. Board of Review—In each county there is also a *Board of Review*, which has power to revise the action of the assessors.

In counties under township organization with a population under 125,000 the Board of Review consists of the county clerk, the chairman of the County Board, and a citizen appointed by the county judge.

In counties not under township organization the Board of County Commissioners forms the Board of Review.

In counties with a population of 125,000 or more the people elect a Board of Review, consisting of three persons. The term of office is six years, and one of the three is elected each two years.*

The *State Board of Equalization* has already been described (p. 112).

LIMITATIONS ON THE TAXING POWER

13. The taxing power of the various legislative bodies throughout the State is limited by law.

14. Property Exempt—The Constitution (Art. IX., § 3) provides that certain classes of property shall not be taxed at all.† Such property is all that belonging to the State, to counties or to any municipal corporations, and any that is used exclusively for public benefit rather than for private gain.

15. County Limitations—The Constitution (Art. IX., § 8) forbids county authorities to levy a tax at a rate exceeding seventy-five cents on $100 of assessed valuation, unless specially authorized by vote of the people of the county.

* Law of Feb. 25, 1898. † See also Rev. Stat., c. 120, § 2.

16. Municipal Limitations—The Constitution (Art. IX., § 9) requires that municipal corporations in levying taxes (excepting in case of special assessments) shall make such taxes uniform in their application to persons and property.

The statutes * forbid cities or villages to levy a tax at a rate exceeding two per cent. on the assessed valuation of taxable property.

PUBLIC DEBTS

17. Borrowing Money — It sometimes happens that the State or municipal corporations are obliged to make improvements which are so expensive that should they be paid immediately from the proceeds of taxation an excessive burden would be laid on the taxpayers. Under these circumstances the money needed may be borrowed.

18. Limitations on Borrowing Power—But to protect the people against extravagance or corruption on the part of their representatives, the Constitution and statutes fix a limit to the borrowing power.

The General Assembly may not incur indebtedness (except in case of insurrection or war) to exceed $250,000, unless specially authorized by a vote of the people of the State (Art. IV., § 18).

No county, city, township, school district, or other municipal corporation may incur indebtedness to exceed five per cent. on the assessed valuation of taxable property (Art. IX., § 12).

* Rev. Stat., c. 24, § 111.

CHAPTER XII

PUBLIC EDUCATION

FREE SCHOOLS

1. The Constitution requires the General Assembly to "provide a thorough and efficient system of schools, whereby all children of this State may receive free a good common school education" (Art. VIII., § 1).

This was merely carrying out the intention of Congress at the very beginning of the plan of government for the old Northwest Territory. The Ordinance of 1787 laid the foundation for free schools (p. 91), the enabling act of Congress granted land for the encouragement of education, and the Constitution and laws of the State establish the system.

2. A Generous and Complete Educational Scheme—The State of Illinois, it is seen, provides free education through the common schools, which are scattered throughout the State; through high schools, which are everywhere within reach; and through the State university.* Thus almost any one who desires education, whether he lives in city or country, can get it free of cost, and to almost any extent.

The reason for this generous provision is that in a

* The university tuition is very low.

republic every citizen should be intelligent in order to be a good citizen, and that every one ought to be able to make the most of himself.

3. Compulsory Education — The law requires that all children between the ages of seven and fourteen shall attend a day school (public or private) at least sixteen weeks each year. At least twelve of these weeks' attendance shall be consecutive.* Proper exceptions are made for inability to attend by reason of physical or mental defects.

4. The Laws—In some cities schools were established under special laws before the Constitution of 1870 was adopted, and these laws are still in force. Aside from these places, the public schools are under a general law,† which marks out a plan for schools, creates authorities for their control, and provides the means of financial support.

Reference has already been made to the State superintendent of public instruction and to the county superintendents (pp. 186, 128).

5. School Townships—For common school purposes the congressional townships (pp. 30, 31) are made school townships.‡ Fractional townships are attached to full ones near at hand. It will be remembered that these townships do not necessarily coincide with the towns in the counties under town (wrongly called "township") government. Even if a town does coincide in area with a school township, the school officers are in no sense *town* officers.

6. Township Board of Trustees—The school af-

* Rev. Stat., c. 122, § 313. † Rev. Stat., c. 122.
‡ Rev. Stat., c. 122, § 30.

fairs of each township are under the control of a Board of Trustees.* The board consists of three members, one of whom is elected by the people of the township each year, for a term of three years. Thus the board is a continuous body. The election is held on the second Saturday in April. In school townships whose boundaries coincide with those of a town the school trustees are elected on the same day as the town officers (the first Tuesday in April). Any resident of the district who is twenty-one years old is eligible for election. But no two trustees shall reside, when elected, in the same district, and no one can be trustee and director at the same time.

7. Powers and Duties of the Board—The township Board of Trustees chooses one of its own members as president, and some other person, not a member, as treasurer. It may divide the township into school districts for the convenience of those who attend.† The board has charge of the school funds of the township, and apportions them semi-annually among the districts according to the number of children under twenty-one years of age in each; ‡ holds in its name all school property, § has the charge of the same, and may sell it under certain conditions; ‖ has charge of the township school lands; may establish a township high school if the people of the township vote in favor of such proposition ¶ (at a special election held for that purpose), and makes regular reports to the county superintendent.

* Rev. Stat., c. 122, §§ 32–36.
† Rev. Stat., c. 122, § 51.
‡ Rev. Stat., c. 122, § 55.
§ Rev. Stat., c. 122, §§ 59–66.
‖ Rev. Stat., c. 122, § 244.
¶ Rev. Stat., c. 122, § 67.

8. District Boards of Directors—Each school district, provided it has a population of less than one thousand, and is not governed by a special act (p. 138), has a Board of Directors,* which is charged with the management of the district school. Each year, on the third Saturday in April, the people of the district elect one director for a term of three years. Thus the board consists of three directors, and is a continuous body. Any resident of the district who is twenty-one years old, can read and write the English language, and is not a township school trustee, is eligible for election.

9. Powers and Duties of Board of Directors—The Board of Directors effects its own organization, appointing one of its own members as president and another as clerk.

The board must establish and keep in operation for at least 110 days of actual teaching a free school or schools sufficient for the accommodation of all children in the district between the ages of six and twenty-one. To this end, it is the duty of the board to appoint teachers, to fix their salaries, and issue to them warrants on the township treasurer each month; to prescribe what branches of study shall be taught, and what text-books and apparatus shall be used; to provide sufficient funds for the needs of the schools, in addition to the funds apportioned by the township Board of Trustees, by levying a district tax, and to make regular reports. Financial reports are made to the public at the annual election and filed with the treasurer; educational reports are made to the county

* Rev. Stat., c. 122, §§ 121–125.

superintendent. The board may buy land for a schoolhouse site and erect a suitable building thereon if the people of the district so vote at an election held for that purpose. The board has charge of all schoolhouses in the district, must keep them in good order, and may allow them to be used for other than school purposes. It is the duty of the board to enforce good conduct among both teachers and pupils, and accordingly power is granted to dismiss teachers and to expel pupils.*

10. Boards of Education—Cities and villages, excepting such as are under special laws (pp. 137–8), are subject to the general provisions of the school law as above detailed. However, there are some additional provisions for their benefit.

In districts with a population over 1,000 and less than 100,000 a Board of Education † takes the place of the district Board of Directors. The Board of Education consists of a president, six members, and an additional member for each ten thousand inhabitants in excess of 1,000. However, the total number in the board must not exceed fifteen. One-third of the members are elected each year, on the third Saturday of April, for a term of three years. Thus the Board of Education, like the township Board of Trustees and the district Board of Directors, is a continuous body.

The powers and duties of the Board of Education are the same as those of a district Board of Directors, with some additions.

The board is to establish and support free schools for not less than six or more than ten months. In making

* Rev. Stat., c. 122, § 135–156. † Rev. Stat., c. 122, § 157.

the tax levy, it is not lawful to provide for maintaining schools for more than ten months unless on the petition of a majority of the voters of the district. The board may employ a superintendent of schools, may examine teachers, and must publish an annual report showing the state of the schools and their cost.

11. The City Schools of Chicago—The State school law provides that in cities with a population of 100,000 or more (Chicago is the only such city) the schools shall be under the control of a *Board of Education*,* appointed by the mayor, with the approval of the city council. There are twenty-one members, seven being appointed annually for a term of three years. Thus the board is a continuous body. The term of office begins on July 1st. The board elects its own president and secretary.

12. Powers and Duties of the Board—The Board of Education is entrusted with the management of school property and with the organization and control of the public schools. The city treasurer is the treasurer of the board.

To erect school buildings, to buy land as their sites, to borrow money for school purposes on the credit of the city, the board requires the consent of the city council.†

The remaining powers of the board are independent of control by other parts of the city government. The board may furnish and care for the buildings, hire buildings or rooms if those owned by the city are inadequate, employ teachers and fix their salaries, decide on text-books and courses of study, fix the boundaries of school districts, maintain discipline among both

* Rev. Stat., c. 122, § 178. † Rev. Stat., c. 122, § 177.

teachers and scholars, and manage the school property and funds from which income is received.*

It is the duty of the board to use their powers for the maintenance of schools, and so as to secure the highest efficiency of instruction.†

13. Professional and Higher Education—The State normal schools and the State university have already been mentioned. They are an essential part of the system of public instruction.

SCHOOL FUNDS

14. The money expended annually on the public schools comes from two sources—the State and the locality.

15. State Tax—The State levies an annual tax for the benefit of common schools.‡ The proceeds of this tax are divided among the counties in proportion to the number of children under twenty-one years of age. This tax is the largest part of the school fund, amounting of late to the sum of a million dollars a year.§

16. State School Fund Proper—A part of the proceeds of the sale of lands belonging to the United States which were within the State of Illinois, and which were sold after January 1, 1819, was given by the United States to the State.‖ Three per cent. of the net proceeds of such sales were to be used by the State for the encouragement of learning. Of this

* Rev. Stat., c. 122, § 178. † Rev. Stat., c. 122, § 179.
‡ Rev. Stat., c. 122, § 232. § Laws of 1897, p. 287.
‖ Act of Congress, April 18, 1818, Section 6.

fund one-sixth was to be reserved for a college or university. The part reserved for common schools is held by the State, and interest at the rate of six per cent. is paid into the school fund, and is divided among the counties in the same way as the State tax.

17. United States Deposit Fund — In 1835 the United States was out of debt, and there was a surplus in the treasury which came from the sale of lands. This surplus was divided among the States—not as a gift outright, but by way of a deposit. As a matter of fact, however, the deposit has never been called in, and probably never will be. The share of Illinois was $477,919.24. A part of this sum was set aside for education, and on this amount thus set aside the State pays into the school fund annual interest at the rate of six per cent. This also is divided among the counties.

18. Method of Distribution—Thus it is seen that the entire sum derived from the tax and from the above mentioned interest moneys is divided among the counties of the State in proportion to the number of children under twenty-one years of age. The money is not actually gathered into the treasury and then sent out to the various counties. To save the necessity of this awkward process, the State auditor sends to each county superintendent a warrant on the county collector for the amount due to that county. The collector cashes the warrants, and turns them in to the State treasurer in lieu of so much money.*

19. Fines—It is also provided that all fines, penalties, and forfeitures imposed by the courts of law,

* Rev. Stat., c. 122, §§ 234–5.

excepting such as are imposed in incorporated towns or cities for violation of the local ordinances, shall also be paid over to the county superintendent, as an addition to the common school fund.*

20. Apportionment—The county superintendent apportions the school money received from all sources among the respective townships, and pays over the proper shares to the township treasurers.†

21. Local Taxes—Local taxes for school purposes, as specified by law, may be levied by district Boards of Directors, or by the proper authorities of cities or villages.‡ The total amount thus levied must not exceed two per cent. of the assessed valuation for educational purposes, and three per cent. for building purposes. The proceeds of these taxes are paid by the collectors to the township treasurers. In cities these funds are paid over to the city treasurer, who acts as treasurer of the Board of Education.§

22. Township Lands—Each township was entitled by act of Congress to one section (16) of land, which was reserved for school purposes (p. 33). This land has partly been sold, the remainder being rented. The interest on the amount received for sales, and the rentals for the rest, are paid into the treasury, and there held subject to the order of the school board.

23. Incidentals—There are various incidental sources of income—gifts by individuals for specific purposes, tuition paid by non-resident pupils, and some others.

* Rev. Stat., c. 122, § 269.
† Rev. Stat., c. 122, § 26.
‡ Rev. Stat., c. 122, § 202.
§ Rev. Stat., c. 122, § 182.

24. Chicago School Receipts, 1897–8—The receipts of the Chicago School Board from these various sources for the school year ending June 30, 1898, were as follows: From the State, $266,846.21; from city tax, $6,640,692.49; from interest and rentals, $482,383.18; from incidental sources, $8,290.08. This was a total of $7,398,211.96.*

25. Borrowing Money—For building purposes, the boards of school directors may, when authorized by a special vote of the people, borrow money and issue bonds therefor.† The sum borrowed in any one year must not exceed five per cent. (including existing indebtedness) of the assessed valuation of property in the district. In cities with a population over 100,000, such bonds can be issued only with the consent of the city council.‡

TEACHERS

26. Qualifications—The State law requires certain definite qualifications for teachers.§ The State superintendent and county superintendents are authorized to grant certificates to those who are shown to possess such qualifications. The State certificate is of two grades—the first being valid for life, and the second for five years. County certificates are also of two grades—for two years and one year, respectively. Each is granted on the basis of a public examination. The qualifications for these certificates are, good moral character, a minimum age (eighteen for males,

* Chicago School Report, p. 156.
† Rev. Stat., c. 122, § 215.
‡ Rev. Stat., c. 122, § 177.
§ Rev. Stat., c. 122, §§ 185–8.

seventeen for females), and certain educational acquirements. For State certificates the State superintendent, together with the "principals of the State universities," fixes the educational standards and controls the examinations. The county superintendent conducts the examinations for county certificates. The educational requirement for a certificate of the second grade is that the person to whom it is issued "is qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, and the history of the United States." For a first-grade county certificate the examination covers the foregoing branches of knowledge, and in addition the elements of the natural sciences, physiology, and the laws of health.

Boards of education in cities are permitted to examine candidates for teachers' positions and to issue certificates accordingly—the board prescribing the qualifications.*

* Rev. Stat., c. 122, §§ 166, 179.

CHAPTER XIII

CONSTITUTIONAL RESTRICTIONS ON THE POWERS OF GOVERNMENT

1. Limitations of Government—One important purpose of a constitution is to construct a frame of government, and to give to each part its own powers and duties. But it is quite as necessary to specify also the limitations within which the government must restrain its action. History plainly teaches that men put in positions of political responsibility are very apt to be guided by selfish and grasping motives. Then, too, unless those who are entrusted with different branches of government know the limits of their own powers, even with the best intentions they are likely to encroach on the powers which belong to others.

For these reasons, in drawing American constitutions great pains are taken to enumerate things which must *not* be done. These are the *restrictions*, or *prohibitions*, on the powers of government.

RESTRICTIONS IN THE FEDERAL CONSTITUTION ON THE POWERS OF STATES

2. Federal Republic—The United States is a federal republic. Therefore every particle of its soil which falls within any of the States is governed by

two constitutions and by two sets of laws—Federal and State.

In dividing powers between the Federal government and the States, it has been so arranged that there are some things which may be done by the former but not by the latter, some which may be done by the latter but not by the former, some which may be done by both, and some which may be done by neither.

Thus the Federal government has the power to make treaties and to coin money, both of which powers are forbidden to the States. The Federal Constitution is silent as to education; therefore Congress may not, and the States may, organize schools within the several States. This depends on the principle that the Federal government has only such powers as are granted, while the States may do whatever is not forbidden in the Federal Constitution.

The Federal government may lay a tax on land. The States are not forbidden to do the same thing, and there is nothing in the nature of a land tax which would prevent its being laid by both authorities. Hence this power may be exercised by both.

Both the United States (*i.e.*, the Federal government) and the States are forbidden to grant a title of nobility.

3. The Prohibitions on the States in the Federal Constitution are found mainly in Article I., Section 10; Article IV., Sections 1 and 2; Article VI., Section 2; Amendment XIII., Amendment XIV., and Amendment XV. There are also some implied prohibitions in other parts of the Constitution.

These prohibitions on States, it must be noticed, cover the whole field of political action. They relate to the

State constitutions as well as to statutes enacted by the State legislatures. They include the acts of the Executive and the acts of the courts.

4. Federal Law Supreme—The Federal Constitution, laws, and treaties are the supreme law of the land, "anything in the constitution or laws of any State to the contrary notwithstanding."*

This is a prohibition on the enactment of any State law, whether in the State constitution or statutes, which conflicts with Federal law. If a State does make such enactment, and under it a suit reaches a Federal court, that court will decide the enactment in question to be null and void.

5. Some "Essential Attributes of Sovereignty" Forbidden—The States are forbidden to do certain things which are held to belong to what are known as "the essential attributes of sovereignty"—*i.e.*, they are things which are customarily done only by the governments of independent nations.†

These are (1) the making of treaties, (2) engaging in war, (3) granting authority to private armed ships to carry on war, (4) keeping of military or naval forces in time of peace, (5) coining money, (6) issuing paper notes to pass as money, (7) making anything but gold and silver coin a legal tender for the payment of debts, (8) passing laws which shall take the place of a judicial trial and conviction for crime, or which shall put persons accused of crime in a worse position legally than was the case when the crime was committed, (9) granting titles of nobility, (10) laying duties on imports and exports, (11) laying duties of tonnage.

* U. S. Const., Art. VI., § 2. † U. S. Const., Art. I., § 10.

Some of these are forbidden mainly because they are thought undesirable altogether, and are forbidden to the Federal government as well. Such are those numbered (8), (9), and the latter part of (10).

Others are forbidden unless Congress grants consent. These are (2), (4), (10), (11). Under certain specified conditions States may levy duties and carry on war.

6. Interstate Comity—States are forbidden to do some things which relate to what is called "interstate comity." * No State may refuse to give full credit "to the public acts, records, and judicial proceedings" of any other State. No State may refuse to the citizens of any other State the same privileges and immunities possessed by its own citizens—*e.g.*, if a citizen of Ohio is temporarily resident in Illinois, he is entitled to exactly the same legal rights, under the same limitations, as a citizen of Illinois. States are forbidden to harbor criminals who have fled from other States. States were also forbidden to harbor runaway slaves from other States, but since the adoption of the thirteenth amendment this prohibition is obsolete.

7. Slavery Prohibited—No State may establish or maintain by law the condition of slavery.†

Slavery is the legal condition by which the services of one human being belong permanently as property to another. Slaves were at one time held in all the original thirteen States. In the States north of Maryland slavery was abolished voluntarily at different times—the last being New York, in 1827. Fifteen States maintained slavery until it was abolished by the Civil War and the adoption of the thirteenth amendment

* U. S. Const., Art. IV., §§ 1, 2. † U. S. Const., Amdt. XIII.

(1865). These were the States south of Pennsylvania, the Ohio River, and Iowa. In the old Northwest Territory slavery was forbidden by the Ordinance of 1787. Repeated efforts were made, however, to induce Congress to consent to the existence of slavery in Illinois while a Territory, but without success. After Illinois became a State, a determined effort was made to secure an amendment to the Constitution legalizing slavery, but by a large majority the people defeated the plan (1824).

8. Civil Rights—States are forbidden to enact or to enforce any law which abridges the privileges or immunities of citizens of the United States.*

The Constitution does not specify these privileges and immunities. Whatever they are they are exempt from interference by the States, whether in their constitutions and laws or in any acts of the administrative departments or courts.

Some think that these privileges are those included in the first eight amendments to the Federal Constitution. That, however, is not the view of the Supreme Court of the United States, and therefore, unless that court should take a different view of the case, it cannot be held to be the law.

9. Due Process of Law—The States are forbidden to deprive any person of life, liberty, or property, without due process of law. This does not mean any particular process, but merely such law as is general and impartial in its character, and such as at the same time violates no provision of the Federal or State Constitution. Law and not caprice should be the method.

*U. S. Const., Amdt. XIV.

Law is a body of general rules; caprice relates to an individual case only.

The States are forbidden to deny to any person within their jurisdiction the equal protection of the laws.

The States are forbidden to pay any debts incurred in aid of insurrection against the United States, or any claims for the emancipation of slaves.

10. Suffrage—States are forbidden to deny citizens of the United States the right to vote "on account of race, color, or previous condition of servitude." *

Citizens may be denied the right to vote on any other ground which may please the States. Indeed qualifications of age, sex, intelligence, or property are embodied in the suffrage laws of many States. The prohibition merely relates to the particular reasons enumerated.

RESTRICTIONS MADE BY THE ILLINOIS CONSTITUTION ON THE POWERS OF THE STATE GOVERNMENT

11. Bills of Rights—The Constitution of Illinois provides for a frame of government, distributes powers among its branches, and assigns duties to them. Here it might stop, leaving the State government to exercise these powers, which in that case would be all which are not forbidden by the Federal Constitution.

But the earliest Constitutions adopted by any of the States, during the Revolutionary War, were not content with this, and specified certain things which the gov-

* U. S. Const., Amdt. XV.

ernment was forbidden to do. These things were mainly such acts as the British Constitution forbade to the king, and formed a body of rights of the people which the king could not infringe. Some other things were such as the British Parliaments had done at various times, but which in the opinion of the American colonists were things which ought not to be done. These various prohibitions formed what was known as a bill of rights—so called from a famous act of the British Parliament in 1689, which enumerated and declared rights of British subjects as against the king. It will be seen that the American bills of rights included the rights of the people as against the action of all branches of their government.

THE ILLINOIS BILL OF RIGHTS

12. As new States were admitted to the Union they all followed the example of the early States in making a bill of rights a part of the constitution. Illinois was no exception, and each of its three Constitutions has had one article devoted to this subject. The present bill of rights of Illinois is not very different from that embodied in the Constitution of 1818, and consists of essentially the same limitations on the State government as the first eight amendments to the Federal Constitution place on the Federal government (Ill. Const., Art. II.).

RESTRICTIONS ON THE POWERS OF THE STATE LEGISLATURE AND OF LOCAL GOVERNMENTS

13. But with the continued experience of the people with State governments it has become evident that

the State legislatures cannot safely be entrusted with too extensive powers, especially with such as relate to the raising and expending of revenue, and with such as include grants of special privileges to individuals or groups of individuals. Accordingly the present Constitution of Illinois contains a long list of limitations on the powers of the General Assembly. Many or all of these might, perhaps, quite as well have been embodied in the bill of rights, but it has seemed more convenient to put them in the part of the Constitution which relates to the Legislature (Art. IV.), or in that which relates to revenue (Art. IX.).

The same considerations have led to like limitations on the powers of local governments—those of counties, cities, villages, and towns (Art. IX.).

The first paragraph and the last two paragraphs of the Illinois bill of rights are merely declaratory of general principles (Ill. Const., Art. II., §§ 1, 19, 20). They, perhaps, need no comment.

14. Freedom of Religion—In some countries there is an "established" church—*i.e.*, a church which is recognized by law as a public institution and supported in whole or in part by taxes levied on all. At times laws have required people to attend services at the State church, or have forbidden them to attend any other. Even in some of the original American colonies, and to some extent in some of the States at the time of the Revolutionary War, political privileges were made dependent on certain forms of religious profession.* The power to pass such laws is forbidden to Congress by the first amendment to the Federal

* Fiske, "Critical Period," pp. 76–87.

Constitution, and to the State Legislature by Section 3 of the Illinois bill of rights.

15. The Abuse of Liberty—Advantage has been taken of this guaranty of religious liberty to defend practices which are at variance with the general ideas of morality and social order. An example of this is found in the Mormons, who at one time had a home in Illinois (1840–46), and who insisted that polygamy was with them an article of religious faith. The constitutional limitations cannot cover such practices.

16. Freedom of Speech—It is the law in some continental nations of Europe that rulers are not to be spoken of disrespectfully, and that newspapers must not print things which are forbidden by the government. In this country, on the contrary, it is thought that public servants should be open to free criticism, and the newspapers should be allowed to publish facts and comment without stint. This right is secured against infringement by the Illinois Legislature in the fourth article of the bill of rights, as it is against act of Congress in the first amendment to the Federal Constitution.

17. Abuse of Liberty of Speech—Libel—It is not right, however, that people should be free to indulge in wanton and vicious defamation of character, especially in the public press. This is the "abuse" of liberty to which reference is made in the Illinois Constitution—"being responsible for the abuse of that liberty"—and which is implied, though not mentioned, in the Federal amendment. This abuse of freedom of speech is known in law as "libel," and is subject to a penalty.*

* Rev. Stat., c. 38, §§ 177, 178; c. 126, §§ 1–5.

It was an old maxim of the English law that "the greater the truth the greater the libel," because if a charge of bad conduct or character is true so much the more damage is done by its publication. This principle is not tolerated in Illinois, unless it can be shown that the publication is needless and malicious (Ill. Const., Art. II., § 4).*

18. Freedom of Assembly and Petition—The law of some lands does not allow people to meet in considerable numbers, no matter with however praiseworthy a motive, unless the police authorities consent. The Legislature is prohibited from making such gatherings illegal in Illinois, and the police may not interfere with them so long as public order is observed (Ill. Const., Art. II., § 17). But if an assemblage is riotous it may be dispersed, and those who persist in the disorder may be arrested and punished.† The same liberty is guaranteed against interference by Federal officials, and with the same limitation, in the first amendment to the Federal Constitution.

19. Due Process of Law—The government of the State is forbidden to deprive any person of life, liberty, or property "without due process of law" (Ill. Const., Art. II., § 2). This prohibition on the power of the States is found also in the fourteenth amendment to the Federal Constitution, so that the provision in the State bill of rights is hardly necessary.‡

The nature of the laws under which a person may be deprived of life, liberty, or property by the government is quite clearly marked out in further provisions of the bill of rights.

* Rev. Stat., c. 38, § 179. † Rev. Stat., c. 38, §§ 252-255.
‡ U. S. Const., Amdt. XIV., § 1.

20. Protection of Persons Accused of Crime—Governments, which are the agencies of the people for the general welfare, are necessarily entrusted with large powers. Especially is this true in the matter of detecting and punishing criminals (Ill. Const., Art. II., §§ 5–11, 14). But history shows plainly that persons who are given these powers cannot always be trusted to use them with entire honesty and impartiality. Under pretext of punishing crime it is quite possible for innocent persons to be put in prison, or otherwise made to suffer, merely in gratification of the private animosity of public officers, or for the purpose of securing political ends. There are some countries even to-day in which persons are liable to be arrested and kept imprisoned a long time without knowing why and without any trial. In times past trials have been conducted in private and without giving the accused any chance to defend himself properly. Penalties, too, have at times been very cruel, and out of all proportion to the offence.

To guard against these evils there has grown up in England a series of safeguards for persons accused of crime, which are embodied in the constitutions of all our States, and in that of the United States. They are some of the most essential provisions of a bill of rights.

21. Warrant for Arrest—In the first place the general rule is that no person shall be put under arrest without a *warrant* (Art. II., § 6).

A warrant is an order issued by a judge to a police officer, directing the arrest of a specified person. No warrant may be given unless there is good reason, supported by the sworn statement (*affidavit*) of some one

who is credible, for believing the person in question to be guilty of a crime.

22. Arrest without Warrant—While this is the rule, it is also a well understood rule of law that a person detected in the act of attempting or committing crime may be arrested without a warrant by any one, whether a peace officer or not, in whose presence the act was committed; and further that an officer may arrest without warrant any person whom such officer has good reason to believe guilty of a crime which has in fact been committed.*

23. Examination—Being arrested, whether with or without a warrant, the prisoner must be taken at once before a magistrate (a judge or justice of the peace), for examination.† The magistrate examines witnesses, both for and against the accused, and thus decides whether the probability of guilt is strong enough to make it worth while to hold the prisoner for further proceedings. If the decision is in the negative, the prisoner is discharged. Otherwise he may be released on bail, or committed to jail for trial (if the offence is a petty one) or for the action of the grand jury.

24. Bail—*Bail* is a sum of money guaranteed by responsible persons to be paid in case the accused person does not appear when wanted for further legal proceedings.‡ The persons who agree to give bail for the accused are called his *sureties*. Some offences are by law not bailable—especially offences the penalty of which is death, and with regard to which the evidence is very clear. In other cases the Constitution

* Rev. Stat., c. 38, § 342. † Rev. Stat., c. 38, §§ 355, 360.
‡ Rev. Stat., c. 38, § 363.

requires bail to be accepted whenever, in the opinion of the court, the sureties are sufficient (Art. II., § 7).

25. Commitment—If the accused is committed to jail, the sheriff or constable is given by the court an order called a *mittimus*,* directing that the prisoner be delivered at the county jail, and that the jailer shall receive him and hold him in custody until discharged by process of law.

26. Indictment—The legal methods of most European nations permit the examining magistrate to commit an accused person to be held for trial by the criminal court. In Great Britain and the United States, however, a further safeguard is provided. No one is permitted to be held for trial on charge of a felony (p. 134) unless he has first been *indicted* by a grand jury (Ill. Const., Art. II., § 8).

27. The Grand Jury—The grand jury consists of twenty-three persons, of whom sixteen constitute a quorum.

Grand jurors must be inhabitants, between the ages of twenty-one and sixty, not decrepit or feeble-minded, of good character and judgment, intelligent, and they must understand the English language. They must also be freeholders (owners of real estate) and householders living with their families.†

28. Exemption—Certain classes of people are exempted from all jury duty.‡ These are, the principal officers of all departments of the State government, all officers of the United States, practicing attorneys, officiating ministers of the gospel, school teachers dur-

* Rev. Stat., c. 38, §§ 363, 367.

† Rev. Stat., c. 78, §§ 2, 16, 26–30. ‡ Rev. Stat., c. 78, § 4.

ing the terms of school, practicing physicians, constant ferrymen, mayors of cities, policemen, and members of the fire department.

29. How a Jury is Obtained—It is the duty of the county board to prepare a suitable list of persons eligible for jury duty. In case of a special vote of the people in any county, however, to that effect, this duty is given to a jury commission. This body consists of three suitable persons, appointed by the judges within the county for a term of three years. One is appointed annually. From the list thus prepared, the clerk of the court requiring a grand jury draws a sufficient number of names for the purpose.

30. How the Grand Jury Meets—The grand jury meets in a private room of the court-house, and considers such cases as it thinks proper. Usually the cases are prepared and laid before the grand jury by the State's attorney. Of course all who have been held for the grand jury by examining magistrates are included. Besides these the grand jury may consider any other cases as to which they have any evidence. They hear only evidence against the accused, and decide, not whether in their opinion he is guilty or innocent, but whether the evidence against him is strong enough to warrant a trial. It is the trial which determines whether he actually is guilty. The paper which is drawn up, formally charging the accused person with a crime, is called an *indictment.* Twelve members of the jury must vote for an indictment to make it valid.

The Federal Constitution also requires indictment by a grand jury as a condition of trial in a criminal case in the Federal courts.*

* U. S. Const., Amdt. V.

Certain offences are not indictable. These are, in Illinois, minor offences, cases of impeachment, and military offences. Under the Federal Constitution non-indictable cases are the last two named.

It is also provided by the Illinois Constitution that the grand jury may be abolished by law in all cases.

31. Habeas Corpus—One of the most famous and valuable safeguards of an accused person against injustice is the *writ of habeas corpus* (Ill. Const., Art. II., § 7). A prisoner who thinks himself to be illegally held may apply to any judge for this writ, and the State Constitution ordains that the privilege of this writ shall not be suspended, unless in cases of rebellion or invasion the public safety may so require.*

The writ is merely an order from the judge, addressed to the officer who has the prisoner in custody, commanding that he produce that prisoner before the judge at a given time and show the reason for imprisonment. It is the duty of the officer to obey this writ. The judge, at the hearing, may decide that the prisoner is illegally held, and so may discharge him from custody altogether; he may decide that bail should be received, and so may discharge him on furnishing adequate sureties; or he may remand the prisoner to jail.

32. Trial—The method of criminal trials is hedged about by many restrictions in the interests of the accused (Ill. Const., Art. II., § 9).

The accused has the right to be tried in his own presence and to be represented by counsel;† to hear the nature of the accusation stated to him; to have the witnesses against him testify in his presence, and to

* Rev. Stat., c. 65.

† Rev. Stat., c. 78.

have the court compel, if need be, the attendance of witnesses for the defence.* The writ issued by the court which requires the attendance of witnesses is called *subpœna.*

The trial must be speedy, and it must be decided by an impartial jury of the county or district where the offence is alleged to have been committed.

The trial jury consists of twelve men. Their requirements are the same as those of the grand jury, excepting that they need not be freeholders or householders. The jury list is made up and the jurors are drawn, also, in the same way as in case of the grand jury. In order to find the accused guilty, the twelve jurors must vote unanimously for conviction. If the twelve vote unanimously for acquittal, the prisoner goes free, and he cannot be tried a second time for the same offence (Art. II., § 10). If the jury cannot agree, they so report, and the prisoner may be tried again by another jury.

The accused cannot be compelled to give evidence against himself (Art. II., § 10). In old times this was not the law, and accused persons were tortured in order to make them confess.

33. Penalties—Penalties must not be out of proportion to the offence. No penalty shall make the heirs of a convicted criminal incapable of inheriting his estate, and no person shall be punished by banishment from the State for an offence committed within it (Art. II., § 11).

34. No Ex Post Facto Law—The Legislature is forbidden to pass any *ex post facto* law (Ill. Const., Art. II., § 14). Such a law is one which, passed after a given

* Rev. Stat., c. 38, § 421, etc.

offence has been committed, makes the penalty heavier, or in any way increases the disadvantage of the criminal. Such law is evidently unjust. It is also forbidden to the States by the Federal Constitution.

It must be noticed that an *ex post facto* law is one referring to criminal matters only. Other retroactive legislation is not forbidden.

35. The Court—A criminal court includes a judge, who presides; a jury, which decides the case; the State's attorney, who conducts the case against the prisoner; the prisoner's attorney, who defends him; a clerk, who keeps judicial records; and certain attendants.

36. English and American Practices—The writ of habeas corpus, the grand jury, and the trial jury are all derived from England, where they originated long since.

All these pains are taken for the protection of persons accused of crime because it is thought better that many guilty men should escape than that one innocent man should be punished. Moreover, the accused person is presumed to be innocent until he is proven guilty. Therefore, when one is arrested it is not necessary for him to prove his innocence. It is, on the other hand, necessary for the State to prove his guilt, or he goes free.

37. Protection of Property against the Government—The "due process of law" by which the government may deprive persons of property is quite clearly defined and limited in the State Constitution.

The two ways in which this power is most commonly exercised are in levying taxes and in the use of the right of eminent domain.

38. Taxes—Taxes are money, or property, taken from the individual by the government for public use (p. 150).

No administrative officials are permitted to levy or collect taxes unless specifically authorized by law.

The power of the General Assembly to lay taxes is limited by the Federal Constitution.* States are forbidden to tax imports or exports without the consent of Congress. Even if Congress consents, the State can use no part of the proceeds of such tax except enough to pay the mere cost of inspecting articles of import or export. Inspection is for the purpose of insuring health or the genuineness of articles. States are also forbidden, without the consent of Congress, to lay any duty of tonnage (tax on ships).

The power of the General Assembly to lay taxes is limited by the State Constitution. Taxes are to be levied on property according to its value, and on certain occupations and legal privileges (Ill. Const., Art. IX., § 1).

39. Exemptions—Certain classes of property may be exempted from taxation (Ill. Const., Art. IX., § 2). These include all public property, "and such other property as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery, and charitable purposes." But such exemption may be made only by general law (Ill. Const., Art. IV., § 32). The law in question is very specific and liberal. †

40. Limitations on Counties—The power of county authorities to lay taxes is limited to the rate of sev-

* U. S. Const., Art. I., Sec. 10, § 2. † Rev. Stat., c. 120, § 2.

enty-five cents on the one hundred dollars of assessed valuation, unless the people of the county by a direct vote authorize an increase (Art. IX., § 8).

41. Municipal Corporations—The State Legislature is forbidden to lay taxes for the purposes of municipal corporations, but is permitted to grant the taxing power for local purposes to the corporate authorities of such corporations (Ill. Const., Art. IX., §§ 9, 10). In granting this power, the law forbids a city or village to lay a tax, aside from what may be necessary for the payment of debts or the interest thereon, which shall exceed two per cent. on the assessed valuation of all property within the corporate limit.*

42. Public Indebtedness—It is sometimes necessary to expend for public purposes large sums of money which if raised at once by taxation would be an unreasonable burden, and which at the same time are for the benefit of coming generations. Under such circumstances it is thought only fair to allow such money to be obtained by borrowing, the interest and principal of the loan to be paid gradually from the taxes of a series of years (p. 154).

On the other hand, it is not safe to allow governments unlimited power to incur indebtedness, as they would be liable to such extravagance as would in the end result in a crushing load of taxation.

43. State Debts—Accordingly, the General Assembly is forbidden to incur debt at all, except for the purpose of meeting a casual deficit in revenue, and then only to the amount of two hundred and fifty thousand dollars. No debt for any other purpose

* Rev. Stat., c. 24, § 111.

(except in case of insurrection or invasion) may be incurred unless the people of the State authorize such debt by vote at a general election (Ill. Const., Art. IV., § 18. *See also* p. 154).

44. Local Debts—Local authorities (county, city, town, or village) are forbidden to incur debt to an amount exceeding five per cent. on the assessed valuation of the taxable property (Ill. Const., Art. IX., § 12). Further, no such debt shall be incurred unless provision is at the same time made for meeting the interest and principal as the same shall fall due (p. 154).

45. Eminent Domain — By eminent domain is meant the right of the State to take any particular piece of property which belongs to an individual if it is needed for public purposes. It may be for the public interest that a city hall or a school-house should be put in a certain place, or that a railroad or canal should go through a given piece of land. In such cases, if the owner is unwilling to sell, the State has the right to take the land without the owner's consent.

In order to prevent the abuse of that power the bill of rights provides that the right of eminent domain shall not be exercised without giving just compensation to the owner. In case the State and owner do not agree as to the value of what is taken, a jury shall decide (Ill. Const., Art. II., § 13).

46. The Expenditure of Public Funds—It is not enough for the Constitution to put limits on the power of government to lay taxes and to incur debt. If the funds which actually come into the treasury in these ways are taken out again carelessly or dishonestly, it will be necessary to raise so much the more. And so in the end the taxpayer will lose.

For this reason there are careful restrictions connected with the expenditure of public funds.

No money must be taken from the treasury except under an appropriation made by law (Ill. Const., Art. IV., § 17). Laws may be made only in a certain way, so as to insure deliberation and publicity (Art. IV., §§ 12, 13). No extra compensation may be voted to public officers after their service has been rendered (Art. IV., §§ 19, 21). Salaries of members of the Legislature shall not be changed during the term for which they were elected (Art. V., § 23). The same principle is applied to administrative officers. No law may extend the term of a public officer after his election or appointment (Art. IV., § 28). The Legislature has no power to remit debts due to the State or its subdivisions (Art. IV., § 23). The expenditure to be allowed for the State capitol is limited (Art. IV., § 33).

47. Justice and Equality and the General Welfare—Various restrictions are also laid on the State law-making power in the interest of justice and equality of rights among the people—in the interest of the general welfare—in the interest, also, of economy of time for public servants, by preventing their attention from being taken up with a mass of needless details.

48. Special Legislation—To accomplish these ends a variety of restrictions are laid down. Special legislation is prohibited on a long list of subjects (Art. IV., § 22). If it is desired to have a law on any one of these subjects, the law must be a general one for the whole State. For instance, the Legislature is not permitted to pass a law for the organization of schools in St. Clair County alone. The law under which those schools are organized is the general school law of the

State. Of course any special laws for such purposes as had been passed before the adoption of the Constitution of 1870 were not thereby repealed. But no more such laws have been made since that year.

49. Special Laws for Municipal Charters — In some States there is no such limitation on the power of the Legislature, and accordingly each city has a charter—a law which provides the structure and powers of the city government—of its own. The result is not merely that city charters in such States are very different from one another, but also that they are continually being changed. In every city there are political factions or special interests which besiege the Legislature for modifications of the charter. Such modifications are incessantly made, without much regard for the real interests of the city. The requirement of the Illinois Constitution is that there shall be one law for the whole State, providing a plan of government for all cities alike, and that no special act shall be passed for any one city. This cuts off the continual meddling by the Legislature with the government of different cities, for what a particular group of men may want and perhaps might easily get for their own home is by no means so simple a thing if it cannot be done without affecting every city in the State (p. 157).

50. Classification of Cities—Attention should be called to one way in which the restriction of the Illinois Constitution seems to be to some extent evaded. Laws are passed which relate to cities which have a population of more than 100,000. The only city in the State which answers this description is Chicago, and it is evident that the provisions in ques-

tion are intended to apply to Chicago alone. Still, the law is put in general terms, and it is held to be valid to classify cities in this way, provided that in any such class, no matter how many or how few it may contain, the provisions of the law are general.*

51. Special Laws for Other Charters—The same thing is true of other corporations. If every bank or railroad that wished a charter empowering it to do business had to request a special act of the Legislature, there would be room for much injustice and corruption. This is prevented by the simple requirement of a general law.

CORPORATIONS

52. A Corporation is a body of people associated together and authorized by law to do business as a single person. There is always a corporate name, like the "Mutual National Bank," or the "Illinois Central Railroad." A corporation can make contracts, buy and sell property, sue and be sued in the courts, just as if it were one person. The members of a corporation select certain individuals to act as their agents for doing such business.

53. Public or Municipal Corporations include all the people in a given area, and form a part of the government of the State. Cities, villages, and school districts are examples of municipal corporations.

54. Private Corporations do not necessarily include all the people in a given area, and have purposes quite distinct from those of the government of the State.

* Rev. Stat., c. 122, § 173.

Some are business corporations, formed for the sake of profit, like banks, railroads, and manufactories. Some are for educational or benevolent purposes, like colleges or orphan asylums. Some are for religious purposes, like churches; and others, again, for social objects or amusement, like various clubs.

The laws relating to public corporations are discussed under the head of Local Government (p. 137). Some of the provisions as to private corporations, however, may be considered at this point.

The general law for private corporations divides them into two classes—those for pecuniary profit, and those not for pecuniary profit.

55. Corporations for Pecuniary Profit,* with the exception of banks, railroads, and insurance companies, and one or two other kinds, may be formed by filing in the office of the secretary of state (p. 86) a statement setting forth essential facts—like the name and purposes of the association, the amount of its capital stock, and its place of doing business—and then receiving a license authorizing organization. When organization is duly effected, the facts relating to it are also filed in the office of the secretary of state, and that officer then grants a certificate of incorporation.

56. A Corporation not for Pecuniary Profit† is formed by filing in the office of the secretary of state a statement setting forth the name and purposes of the association, and the names of the trustees who are to manage its affairs at the outset, and then receiving from the secretary of state a certificate of incorporation.

* Rev. Stat., c. 32, §§ 1–4. † Rev. Stat., c. 32, §§ 29, 30.

In each case the powers of the corporation and its mode of doing business are carefully defined in the statute.

57. Churches—Religious corporations (churches) are formed still more simply, as no certificate is required from the secretary of state.*

58. Banks—Banks may be incorporated in accordance with a general law ratified by the people in 1887. Permission to incorporate in this case comes from the auditor (p. 86) instead of the secretary of state.†

59. Railroads—Railroad corporations are formed by filing a statement of essential facts in the office of the recorder of deeds (p. 129) of each county through which it is proposed that the road shall run, and in the office of the secretary of state.‡

60. Insurance Companies—Insurance companies are incorporated by filing with the auditor a statement of essential facts, and receiving from him due authority. §

The powers of banking and railroad corporations are carefully limited by the Constitution (Art. XI.), and still more specifically by the statutes above cited. The statutes, also, are very explicit in guarding the powers and methods of other corporations which are conducted for pecuniary profit.

ANY LEGISLATION ON SOME SUBJECTS FORBIDDEN

61. Some things the Legislature is absolutely prohibited from doing.

62. Indebtedness to the State—No law may be

* Rev. Stat., c. 32, § 35.
† Rev. Stat., c. 16a.
‡ Rev. Stat., c. 114.
§ Rev. Stat., c. 73.

passed which releases persons from indebtedness to the State or to any subdivision of the State (Art. IV., § 23).

63. Lotteries—No law may be passed authorizing lotteries or gift enterprises (Art. IV., § 27). Lotteries are a species of gambling. Some generations ago they were thought entirely proper, and were conducted in aid of churches and colleges, and for other eminently respectable purposes. On the whole, however, they were found to be injurious, and so are now forbidden in all the States.*

64. Extending Terms of Office—No law shall extend the term of a public officer after his election or appointment (Art. IV., § 28).

65. Appropriations for Education—No money or other property given for educational purposes shall be devoted to any other purpose (Art. VIII., § 2).

66. Impairing the Obligation of Contracts—No law may be passed which impairs the obligation of contracts—*e.g.*, a law which permits a city to repudiate the payment of its debts (Art. II., § 14). This class of laws is forbidden by the Constitution of the United States,† so the clause in the State Constitution is redundant.

67. Irrevocable Grants of Privilege—No law shall be passed which makes an irrevocable grant of special privileges (Ill. Const., Art. II., § 14).

68. Public Incorporations not Contracts—By the law for the incorporation of cities such corporations are vested with certain powers and privileges. The repeal or modification of such laws, whereby privileges are taken away, is held to be entirely valid.

* Rev. Stat., c. 38, §§ 180–185. † U. S. Const., Art. I., Sec. 10, § 1.

The incorporation of cities is not a contract, in the sense of the Constitution, and hence such repeals do not constitute the impairment of the obligation of a contract.

69. Private Incorporations are Contracts, but may not be Irrevocable—If a charter is granted to a railway, or other private corporation, for a term of years, such grant is a contract. So long, then, as the corporation in question does not violate the conditions of the grant, the Legislature may not revoke it. But, on the other hand, the granting of such a charter in perpetuity is forbidden.

70. Elections—All elections must be free and equal (Ill. Const., Art. II., § 18), and all votes must be by ballot (Ill. Const., Art. VII., § 2).

The election of public officers is at the very foundation of government in a republic. Unless the laws and their administration are such that people may freely express their will at the ballot box, the republic is practically subverted.

71. Subordination of Military to Civil Authority—The military is to be kept in strict subjection to the civil authorities, and soldiers shall not be quartered in private houses without the consent of the owners.

A military force is necessary for defence against attacks from without, and as a last resource in case of internal disorder (Ill. Const., Art. II., §§ 15, 16). But no republic can be free if military force is predominant.*

It was a custom at the time the American republic was founded for soldiers to be kept, when barracks

* U. S. Const., Amdt. III.

were not at hand, by assigning them to private houses. This was inconvenient, annoying, and expensive for the householders. It is forbidden to Federal authorities by the Federal Constitution, and to State authorities by the State Constitution.

THE REMEDY IN CASE GOVERNMENT DISREGARDS CONSTITUTIONAL RESTRICTIONS

It is a maxim of law that for every wrong there should be a remedy. If the government disregards the limitations placed upon it by the Constitution, the remedy of the citizen is found in the courts. Any act of the Legislature which falls within the prohibitions of the Constitution the courts will declare to be unconstitutional, and so void and of no effect. Any act of an administrative officer in accordance with such a law, or in any way in excess of his legal powers, a court will prevent by a prohibitory writ—a writ of injunction.

The courts will not pass on the question of the constitutionality of a law, however, unless a *case* is brought—*i.e.*, unless some one claims that he is actually wronged by the application of a statute, and asks for redress.

CHAPTER XIV

ILLINOIS AND THE UNITED STATES

ILLINOIS IN THE FEDERAL GOVERNMENT

1. Representation—Illinois, as a State of the Union, is represented in the Federal government; and, for the same reason, the Federal government is represented in Illinois.

As a State of the Union, Illinois is entitled to two senators, to such a number of representatives in Congress as the population of the State may warrant, and to a number of Presidential electors equal to the number of senators and representatives taken together.

2. Senators—The two senators are elected by the State Legislature, as the Federal Constitution and laws require. Each has a term of six years—the present term of one expiring March 4, 1901, and that of the other March 4, 1903. In the winter preceding those two dates the Legislature will make a new election.

3. Election—The method of election is fixed by Federal statute.

The State Legislature chosen at the election next preceding the date at which the term of a senator from that State expires is the Legislature which may choose a new senator.*

On the second Tuesday after the Legislature meets and is organized, each house, by a *viva voce* vote, nom-

* U. S. Rev. Stat., §§ 14–19.

inates one person as senator. On the next day, at noon, the two houses convene in joint session and formally report the action of each on the previous day. If then it appears that the same person was nominated by both houses, he is declared elected. Otherwise the houses, in joint session, proceed to vote *viva voce*, a majority of all the members elected to both houses being required for an election. If there is no election the first day of the joint session, then at noon on the following day the joint session reconvenes, and goes on voting. This process is continued until there is an election.

4. Vacancy—In case of vacancy in the office of senator, if such vacancy happens during a recess of the Legislature, the governor of the State may appoint a temporary senator, who holds office until the next meeting of the Legislature; in that case, or in case of a vacancy which happens while the Legislature is in session, the Legislature proceeds to elect a senator in the same manner as above described.

5. Representatives—By the congressional apportionment at present in force, Illinois has twenty-two members of the Federal House of Representatives.* After the national census of 1900, Congress will pass a new law, fixing the total number of members in the House of Representatives and allotting the proportional numbers to the various States.

6. Apportionment—An apportionment act is made in this way:

It is first decided of what number the house shall consist. Too large a house is unwieldy, too small a

* Act of Feb. 7, 1891.

house does not afford adequate representation to the increasing population. The present number is 356 (357 with Utah, see p. 197).

The number of representatives being determined, the total population of the United States, as ascertained by the last census, is divided by this number, and the quotient is the *representative ratio—i.e.*, theoretically each State should have as many representatives as its population contains the ratio. Dividing the population of each State by the ratio, the quotient indicates the number of congressmen to which the State is entitled; but in each case there is a remainder. Were there no remainders, the sum of the quotients would exactly equal the total number of representatives in the house. In fact, however, the sum of the quotients always falls short of the total number of representatives. The difference is made up by adding one congressman successively to the number allotted to each State which has a large remainder (under the law of 1891, to each State with a remainder greater than half the ratio). It must be noted also that each State must have at least one representative, no matter how small its population.

The last apportionment act of Congress, passed in 1891, proceeded on this principle. The total population of the States and Territories, by the census of 1890, was 62,622,250. From this total was subtracted the population of the Territories, which are not entitled to representatives. The remainder, 61,908,906, was the population of the States. The number 356 was fixed as the number of representatives. This particular number was selected because tests with various numbers showed that 356 would result in not decreas-

ing the number of representatives to which any State had been entitled under the previous apportionment, and at the same time would assign one representative to each remainder that equalled or exceeded one-half of the representative ratio.

Dividing 61,908,906 by 356, the quotient, 173,901 (disregarding the remainder), is the representative ratio. Dividing the population of each State by this ratio, the sum of the quotients is 339. The remaining seventeen representatives were then assigned to the States with large remainders.

When Utah was admitted as a State (in 1896) it was given one representative, which made the total number 357.

The population of Illinois in 1890 was 3,826,351. Dividing this by 173,901, the quotient is 22, with a remainder of only 529. So Illinois has twenty-two representatives.

7. Election—There are two ways in which the representatives of a State might be chosen—either all on a single ticket by the State as a whole, or separately in districts. Until 1842 Congress left the States free to do as they pleased in the matter, and the result was that some States followed one plan and others the other. Since 1842, however, the successive apportionment acts of Congress have required that in all the States representatives shall be chosen by the district plan, one representative from each district. It is also required that the districts shall be composed of contiguous territory, and that they shall be as nearly as possible equal in population. The formation of districts is left to the State Legislatures.*

* Act of 1891, § 3.

8. The Gerrymander—In forming congressional districts it is possible for a legislature controlled by one political party to make arrangements very much to the advantage of that party. The method is to put together counties or parts of counties in such way that the favored party may carry many districts by small majorities, while the other party may carry a few districts by large majorities. This process is called "gerrymandering" (p. 57). The act of Congress attempts to lessen the ease of gerrymandering districts by the requirement above noted—that they shall be composed of contiguous territory and shall be as nearly as possible equal in population.

The twenty-two Illinois districts with their respective population are given in the Appendix (p. 252).

9. Time of Election—The Federal law requires that members of Congress shall be elected on the Tuesday next following the first Monday in November of the even numbered years.* A few States whose Constitutions fix another date are permitted to be exceptions—Maine holding the election on the second Monday in September, Vermont on the first Tuesday in September, and Oregon on the first Monday in June.†

10. Ballots—The Federal law also requires that the elections shall be conducted by using written or printed ballots.‡ The present election law of Illinois goes much further than this, and provides for the method of voting which is known as the "Australian ballot" (p. 50).

11. Presidential Electors—The President of the

* U. S. Rev. Stat., Sec. 25. † Act of March 3, 1875, Sec. 6.
‡ U. S. Rev. Stat., Sec. 27.

United States is chosen by electors representing the several States.

12. Mode of Election—The electors in each State are appointed "in such manner as the Legislature thereof may direct."* Accordingly State Legislatures have used this power very freely. In some States the Legislatures themselves chose the electors—as was the case in South Carolina until after the Civil War. In other States electors have been chosen separately in districts, like the representatives in Congress. This was done in Michigan in 1892. But all the States now choose the electors by popular election on a general ticket. By this method the party which carries a State, no matter by how small a majority or plurality, secures all the electors to which that State is entitled. The method of choosing electors is entirely at the discretion of the State Legislatures, Congress having no voice in the matter.

13. Time of Election—The time of election also is now the same in all the States—the Tuesday next following the first Monday in November of the year just preceding the beginning of the presidential term. This is fixed by act of Congress.†

14. Number of Electors—The number of electors to which any State is entitled is equal to the whole number of senators and representatives which that State has in Congress.‡ Illinois, therefore, under the present apportionment, has twenty-four electors. New York has thirty-six electors, Pennsylvania has thirty-two, every other State has less than Illinois.

* U. S. Const., Art. II., Sec. 2.

† U. S. Const., Art. II., Sec. 1, § 4; U. S. Rev. Stat., Sec. 131.

‡ U. S. Const., Art. II., Sec. 2.

15. Proceedings of Electors—The proceedings of the electors after they are chosen are regulated by act of Congress, under the Constitution of the United States.*

By the statute the governor of each State is required to furnish to each person chosen as an elector in that State three copies of the certificate of election, and to send to the secretary of state of the United States a certificate containing the names of all the persons chosen as electors in that State, as well as a statement of the number of votes cast for every person for whom any votes were cast at all for that office.

By the Constitution † the electors are required to meet in their respective States and to vote by ballot for President and Vice-President of the United States, designating the candidates for the two offices on different ballots. It is also required that lists shall be made of the votes cast for each candidate for either office, and that these lists, duly signed and certified by the electors, shall be transmitted, sealed, to the president of the United States Senate.

The statute makes still more detailed provision for these transactions. The electors are to meet on the second Monday in January succeeding their appointment.‡ They are to make three copies of the results of their balloting. To each copy is attached a copy of the governor's certificate of the choice of the electors.§ One copy is sent to the president of the United States Senate by mail, another is sent to him by a special messenger, and the third is deposited with the United

* Act of Feb. 3, 1887.
† U. S. Const., Amdt. XII.
‡ Act of 1887, § 1.
§ U. S. Rev. Stat., § 140.

States district judge in the district in which the meeting of electors is held. The law also provides for settling disputes which may arise as to the choice of electors.*

THE UNITED STATES IN ILLINOIS

THE FEDERAL JUDICIARY

16. The United States courts consist of the Supreme Court, which sits at Washington; the nine circuit courts of appeal, the nine circuit courts, and the seventy-three district courts.

The Constitution provides that there shall be "one Supreme Court and such inferior courts as Congress may from time to time ordain and establish." † As this, however, does not specify the details of structure of the Supreme Court, and definitely leaves the planning of other courts entirely to Congress, it follows that the Federal Legislature, in fact, has the power to create the whole structure of the Federal courts. This has been done in the various judiciary acts.

17. Supreme Court—The Supreme Court consists of nine members—one chief justice and eight associate justices.‡ The chief justice at present is Melville W. Fuller, of Illinois.

18. Districts and District Courts — The entire Union is divided into a convenient number of districts. Some districts consist of a single State. Very populous States, or States of very large area, are divided

* Act of 1887. † U. S. Const., Art. III., § 1.
‡ U. S. Rev. Stat., § 673.

into two or more districts.* This is the case with Illinois, which comprises two Federal judicial districts—the northern and the southern.† In each district there is a United States district court, consisting (usually) of one judge.‡ He holds court in a specified place. In the northern district of Illinois this place is Chicago; in the southern district it is Springfield.

19. Circuit Courts—The entire Union, again, is divided into nine circuits, each circuit consisting of several States, and therefore, of course, including a number of districts.§ Illinois is in the seventh judicial circuit, which includes the States of Indiana, Illinois, and Wisconsin.

20. Circuit Courts and Circuit Courts of Appeals—In each circuit there are held two Federal courts—the circuit court and the circuit court of appeals. Each consists of a member of the Supreme Court and two circuit judges. In some circuits there is an additional judge. In the absence of any of these, district judges within the circuit are called in.‖ Mr. Chief Justice Fuller is assigned to the seventh circuit.

21. Circuit Courts—A circuit court is held by any one of the above-named judges, or by any two sitting together. It is the practice of the circuit courts,¶ as the name implies, to hold sessions successively in each district throughout the circuit.

22. Jurisdiction—Circuit and district courts have original jurisdiction—certain classes of cases being

* U. S. Rev. Stat., § 530, sqq. and Amendments.

† § 536. ‡ § 551. § U. S. Rev. Stat., § 604.

‖ U. S. Rev. Stat., §§ 605–7. Act of March 3, 1891.

¶ U. S. Rev. Stat., § 608.

heard first in a district court, others being heard first in a circuit court.*

23. Circuit Court of Appeals—In each circuit there is a circuit court of appeals. This consists always of three judges sitting together, two of whom form a quorum. If the Supreme Court justice or either of the circuit judges is not present, then district judges are called in.† A term of the circuit court of appeals is held annually in each circuit at a designated place. This place in the seventh circuit is Chicago. The court may also, from time to time, decide on a session at some other place within the circuit.

24. Jurisdiction—The jurisdiction of the circuit court of appeals is limited to appeals from the district and circuit courts within the circuit.‡ From the decision of either a district or circuit court appeals may be taken, according to the nature of the case, either to the circuit court of appeals or directly to the Supreme Court of the United States. Certain of these appeals to the circuit court may not be further appealed to the Supreme Court. Any question, however, which involves the constitutionality of a law, and some others, may, under any circumstances, go to the Supreme Court.

25. Salaries—The salaries of Federal judges are not large.§ As the appointment is virtually for life, however, the position is a very desirable one. The district judges receive $3,500–$5,000; circuit judges, $6,000; associate justices of the Supreme Court, $10,000; the

* U. S. Rev. Stat., §§ 563–571; §§ 629–637.

† Act of 1891, §§ 1–3. ‡ Act of 1891, §§ 4–15.

§ U. S. Rev. Stat., §§ 554, 607, 676, 714.

chief justice, $10,500. At the age of seventy, any judge who has been on the Federal bench for ten years may retire on full salary.

THE POST-OFFICES

26. The postmaster-general of the United States has charge of the department which carries the mails. Besides his assistants and clerks at Washington, there is in every city and village, and in many country districts, a post-office, in charge of a postmaster and a greater or less number of assistants. In places of considerable population there are carriers whose duties are to gather the mail from boxes which are put in various places for the convenience of the people, and to deliver mail at homes and places of business. The railway mail service includes a number of employees whose duties are to distribute mail on the cars, so that there may be no delay in delivery at its destination.

Post-offices are of four classes, determined by the amount of business which they do, and hence by the amount of the postmaster's salary.* Offices in which the salary is $3,000 or over are of the first class; those in which the salary is $2,000 to $3,000 are of the second class; those in which the salary is $1,000 to $2,000 are of the third class; those in which the salary is less than $1,000 are of the fourth class.

Postmasters of the first three classes are appointed for a term of four years by the President, by and with the advice and consent of the Senate. Such offices are, therefore, called presidential offices. Postmasters of

* Act of July 12, 1876.

the fourth class are appointed by the postmaster-general.*

There are in Illinois 256 presidential post-offices. Ten are of the first class—Bloomington, Chicago, Decatur, Elgin, Galesburg, Joliet, Peoria, Quincy, Rockford, and Springfield. There are 43 of the second class, and 203 of the third class.

27. Postal Stations—In large cities there are postal stations in different parts of the city. Each is managed by a superintendent, under the direction of the city postmaster. These stations are really smaller post-offices, each with its service of carriers, its sale of stamps, and its money-order and registered-letter business.

CUSTOMS AND REVENUE

28. A Port of Entry is a port situated on ocean, lake, or river, to which goods may be brought from a foreign country.† Sometimes such goods are landed at a seaport and carried by railroad to some other port of entry where they are to be delivered. Before such goods can be taken by the consignee a tax must be paid to the United States. This tax is called a *duty*. In every port of entry there is an office where such duties are collected. The Federal officer in charge is the *collector of customs*. There are also various other officers and employees connected with a custom-house. All these are officers of the United States Treasury Department. In Illinois the only port of entry is Chicago, but Cairo, Rock Island, Peoria, and Galena are known as *ports of delivery*, and are permitted to re-

* U. S. Rev. Stat., § 3830. † U. S. Rev. Stat., § 2767.

ceive imported goods which have been duly entered and appraised in a port of entry.

It is illegal to bring foreign goods into the country except at some port of entry.

29. Internal Revenue Collectors—A large part of the United States taxes are collected at the custom-houses. However, there are also other taxes collected within the country. These taxes are called the *internal revenue.** They are gathered from manufacturers of tobacco, spirituous liquors, and various other articles. In time of war the internal revenue taxes are greatly increased, being laid on a much greater number of things. These taxes are usually paid by buying stamps. The officer who has charge of the collection is called a *collector of internal revenue.* There is one for each of the 126 districts in the United States. Illinois has eight collection districts, and hence eight collectors.

30. Assistant Treasurer—There is also at Chicago a branch of the United States treasury, in charge of an assistant treasurer. He receives funds from various sources for the treasury.

UNITED STATES ARMY AND NAVY

31. Scattered throughout the United States there are various forts and posts at which are stationed portions of the United States regular army. Some of these forts are strongly fortified, with heavy cannon, so as to repel invasion. Such is the case at the entrance to the harbor of New York. Other posts are arranged merely for the convenience of keeping troops. This is the case at Fort Sheridan, near Chicago.

* U. S. Rev. Stat., § 3141, note.

The Constitution gives to Congress exclusive jurisdiction "over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."* Such military reservations in Illinois are two—Fort Sheridan, on the shore of Lake Michigan, north of Chicago, and the arsenal at Rock Island.

The "exclusive jurisdiction" of Congress means that the only laws which are in force are those of the United States. In giving consent to such arrangements, however, State Legislatures often make it a condition that the processes of State courts may still be executed within the reservation. That has been done by Illinois with reference both to Fort Sheridan and to Rock Island. Aside from this, these reservations are as much apart from State law as is the District of Columbia.

32. Navy on the Lakes—The vessels of the United States navy are seldom seen on the great lakes. By a treaty made with Great Britain in 1817, it was agreed that each of the two nations should keep on the upper lakes—*i.e.*, Erie, Huron, Michigan, and Superior—not more than two small vessels in all. Occasionally one of these craft appears at Chicago. There is little likelihood that the United States will ever be involved in a naval war on the great lakes.

ILLINOIS IN FEDERAL OFFICE

33. Illinois has furnished the United States its full share of officers who have done distinguished service to the republic.

*U. S. Const., Art. I., Sec. 8, § 17.

Abraham Lincoln was President of the United States from March 4, 1861, until his death, April 15, 1865. He was elected for a second term.

Ulysses S. Grant was general in command of the armies of the United States, having won this rank by his great military successes during the Civil War. He was President of the United States from 1869 to 1877.

Elihu B. Washburne did especially valuable service as Minister of the United States to France during the critical period of the wars of 1870–71.

Melville W. Fuller is now chief justice of the Supreme Court of the United States.

The names of many others, living and dead, who have honored Illinois in the national service, might easily be added.

APPENDIX

I. CONSTITUTION OF THE STATE OF ILLINOIS

ADOPTED IN CONVENTION AT SPRINGFIELD, MAY 13, A. D. 1870

Ratified by the People July 2, 1870; in force August 8, 1870

PREAMBLE

We, the people of the State of Illinois—grateful to Almighty God for the civil, political, and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations—in order to form a more perfect government, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the State of Illinois.

ARTICLE I

BOUNDARIES

The boundaries and jurisdiction of the State shall be as follows, to-wit: Beginning at the mouth of Wabash River; thence up the same, and with the line of Indiana, to the northwest corner of said State; thence east, with the line of the same State, to the middle of Lake Michigan; thence north along the middle of said lake, to north latitude forty-two degrees and thirty minutes; thence west to the middle of the Mississippi River, and thence down along the middle of that river to its confluence with the Ohio River, and thence up the latter river along its northwestern shore, to the place beginning: *Provided*, that this State shall exercise such jurisdiction upon the Ohio River, as she is now entitled to, or such as may hereafter be agreed upon by this State and the State of Kentucky.

ARTICLE II

BILL OF RIGHTS

§ 1. All men are by nature free and independent, and have certain inherent and inalienable rights—among these are life, liberty, and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

§ 2. No person shall be deprived of life, liberty, or property, without due process of law.

§ 3. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

§ 4. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defence.

§ 5. The right of trial by jury as heretofore enjoyed, shall remain inviolate; but the trial of civil cases before justices of the peace, by a jury of less than twelve men, may be authorized by law.

§ 6. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the persons and things to be seized.

§ 7. All persons shall be bailable by sufficient sureties, except for capital offences, where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

§ 8. No person shall be held to answer for a criminal offence, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger: *Provided*, that the grand jury may be abolished by law in all cases.

§ 9. In all criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature

and cause of the accusation, and to have a copy thereof; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offence is alleged to have been committed.

§ 10. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offence.

§ 11. All penalties shall be proportioned to the nature of the offence; and no conviction shall work corruption or forfeiture of estate; nor shall any person be transported out of the State for any offence committed within the same.

§ 12. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases where there is strong presumption of fraud.

§ 13. Private property shall not be taken or damaged for public use without just compensation. Such compensation, when not made by the State, shall be ascertained by a jury, as shall be prescribed by law. The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owners, subject to the use for which it is taken.

§ 14. No *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities shall be passed.

§ 15. The military shall be in strict subordination to the civil power.

§ 16. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in the manner prescribed by law.

§ 17. The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives, and to apply for redress of grievances.

§ 18. All elections shall be free and equal.

§ 19. Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property, or reputation; he ought to obtain, by law, right and justice freely and without being obliged to purchase it, completely and without denial, promptly and without delay.

§ 20. A frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

ARTICLE III

DISTRIBUTION OF POWERS

The powers of the government of this State are divided into three distinct departments—the Legislative, Executive, and Judicial; and no

person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

ARTICLE IV

LEGISLATIVE DEPARTMENT

§ 1. The legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both to be elected by the people.

ELECTION

§ 2. An election for members of the General Assembly shall be held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, and every two years thereafter, in each county, at such places therein as may be provided by law. When vacancies occur in either house, the governor, or person exercising the powers of governor, shall issue writs of election to fill such vacancy.

ELIGIBILITY AND OATH

§ 3. No person shall be a senator who shall not have attained the age of twenty-five years, or a representative who shall not have attained the age of twenty-one years. No person shall be a senator or representative who shall not be a citizen of the United States, and who shall not have been for five years a resident of this State, and for two years next preceding his election a resident within the territory forming the district from which he is elected. No judge or clerk of any court, secretary of state, attorney-general, state's attorney, recorder, sheriff, or collector of public revenue, member of either house of Congress, or person holding any lucrative office under the United States or this State, or any foreign government, shall have a seat in the General Assembly: *Provided*, that appointments in the militia, and the offices of notary public and justice of the peace, shall not be considered lucrative. Nor shall any person holding any office of honor or profit under any foreign government, or under the government of the United States (except postmasters whose annual compensation does not exceed the sum of three hundred dollars), hold any office of honor or profit under the authority of this State.

§ 4. No person who has been, or hereafter shall be convicted of bribery, perjury, or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the General Assembly, or to any office of profit or trust in this State.

§ 5. Members of the General Assembly, before they enter upon their official duties, shall take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and will faithfully discharge the duties of senator (or representative) according to the best of my ability; and that I have not knowingly or intentionally, paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing, from any corporation, company, or person, for any vote or influence I may give or withhold on any bill, resolution, or appropriation, or for any other official act."

This oath shall be administered by a judge of the supreme or circuit court in the hall of the house to which the member is elected, and the secretary of state shall record and file the oath subscribed by each member. Any member who shall refuse to take the oath herein prescribed shall forfeit his office, and every member who shall be convicted of having sworn falsely to, or of violating his said oath, shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in this State.

APPORTIONMENT—SENATORIAL

§ 6. The General Assembly shall apportion the State every ten years, beginning with the year one thousand eight hundred and seventy-one, by dividing the population of the State, as ascertained by the Federal census, by the number fifty-one, and the quotient shall be the ratio of representation in the senate. The State shall be divided into fifty-one senatorial districts, each of which shall elect one senator, whose term of office shall be four years. The senators elected in the year of our Lord one thousand eight hundred and seventy-two, in districts bearing odd numbers, shall vacate their offices at the end of two years, and those elected in districts bearing even numbers, at the end of four years; and vacancies occurring by the expiration of term shall be filled by the election of senators for the full term. Senatorial districts shall be formed of contiguous and compact territory, bounded by county lines, and contain as nearly as practicable an equal number of inhabitants; but no district shall contain less than four-fifths of the senatorial ratio. Counties containing not less than the ratio and three fourths, may be divided into separate districts, and shall be entitled to two senators, and to one additional senator for each number of inhabitants equal to the ratio contained by such counties in excess of twice the number of said ratio.

NOTE.—By the adoption of minority representation, §§ 7 and 8 of this article cease to be a part of the Constitution. Under § 12 of the schedule, and the vote of adoption, the following sections, relating to minority representation, are substituted for said sections:

MINORITY REPRESENTATION

§§ 7 and 8. The House of Representatives shall consist of three times the number of the members of the Senate, and the term of office shall be two years. Three representatives shall be elected in each senatorial district at the general election in the year of our Lord one thousand eight hundred and seventy-two, and every two years thereafter. In all elections of representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit; and the candidates highest in votes shall be declared elected.

TIME OF MEETING AND GENERAL RULES

§ 9. The sessions of the General Assembly shall commence at twelve o'clock noon, on the Wednesday next after the first Monday in January, in the year next ensuing the election of members thereof, and at no other time, unless as provided by this Constitution. A majority of the members elected to each house shall constitute a quorum. Each house shall determine the rules of its proceedings, and be the judge of the election, returns, and qualifications of its members; shall choose its own officers; and the Senate shall choose a temporary president to preside when the lieutenant-governor shall not attend as president, or shall act as governor. The secretary of State shall call the House of Representatives to order at the opening of each new assembly, and preside over it until a temporary presiding officer thereof shall have been chosen and shall have taken his seat. No member shall be expelled by either house, except by a vote of two-thirds of all the members elected to that house, and no member shall be twice expelled for the same offence. Each house may punish by imprisonment any person, not a member, who shall be guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. But no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

§ 10. The door of each house and of committees of the whole shall be kept open, except in such cases as, in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, or to any other place than that in which the two houses shall be sitting. Each house shall keep a journal of its proceedings, which shall be published. In the Senate, at the request of two members, and in the house, at the request of five members, the yeas and nays shall be taken on any question, and entered upon the journal. Any two members of either house shall have liberty to dissent from and protest, in respectful language, against any act or resolution which they think injurious to the public or to any individual, have the reasons of their dissent entered upon the journals.

STYLE OF LAWS AND PASSAGE OF BILLS

§ 11. The style of the laws of this State shall be: "*Be it enacted by the People of the State of Illinois, represented in the General Assembly.*"

§ 12. Bills may originate in either house, but may be altered, amended, or rejected by the other; and on the final passage of all bills, the vote shall be by yeas and nays, upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members elected to each house.

§ 13. Every bill shall be read at large on three different days, in each house; and the bill and all amendments thereto shall be printed before the vote is taken on its final passage; and every bill, having passed both houses, shall be signed by the speakers thereof. No act hereafter passed shall embrace more than one subject, and that shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed; and no law shall be revived or amended by reference to its title only, but the law revived, or the section amended, shall be inserted at length in the new act. And no act of the General Assembly shall take effect until the first day of July next after its passage, unless, in case of emergency (which emergency shall be expressed in the preamble or body of the act) the General Assembly shall, by a vote of two-thirds of all the members elected to each house, otherwise direct.

PRIVILEGES AND DISABILITIES

§ 14. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

§ 15. No person elected to the General Assembly shall receive any civil appointment within this State from the governor, the governor and senate, or from the General Assembly, during the term for which he shall have been elected; and all such appointments, and all votes given for any such members for any such office or appointment, shall be void; nor shall any member of the General Assembly be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

PUBLIC MONEYS AND APPROPRIATIONS

§ 16. The General Assembly shall make no appropriation of money out of the treasury in any private law. Bills making appropriations for

the pay of members and officers of the General Assembly, and for the salaries of the officers of the government, shall contain no provision on any other subject.

§ 17. No money shall be drawn from the treasury except in pursuance of an appropriation made by law, and on the presentation of a warrant issued by the auditor thereon; and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution. The auditor shall, within sixty days after the adjournment of each session of the General Assembly, prepare and publish a full statement of all money expended at such session, specifying the amount of each item, and to whom and for what paid.

§ 18. Each General Assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected to each house, nor exceed the amount of revenue authorized by law to be raised in such time; and all appropriations, general or special, requiring money to be paid out of the State treasury, from funds belonging to the State, shall end with such fiscal quarter. *Provided*, the State may, to meet casual deficits or failures in revenues, contract debts, never to exceed in the aggregate two hundred and fifty thousand dollars; and moneys thus borrowed shall be applied to the purpose for which they were obtained, or to pay the debt thus created, and to no other purpose; and no other debt, except for the purpose of repelling invasion, suppressing insurrection, or defending the State in war (for payment of which the faith of the State shall be pledged), shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people and have received a majority of the votes cast for members of the General Assembly at such election. The General Assembly shall provide for the publication of said law for three months, at least, before the vote of the people shall be taken upon the same; and provision shall be made, at the time, for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue; which law, providing for the payment of such interest by such tax, shall be irrepealable until such debt be paid. *And, provided further*, that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

§ 19. The General Assembly shall never grant or authorize extra compensation, fee, or allowance to any public officer, agent, servant, or contractor, after service has been rendered on a contract made, nor authorize the payment of any claim, or part thereof, hereafter created against the State under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void. *Provided*, the General Assembly may make

appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

§ 20. The State shall never pay, assume, or become responsible for the debts or liabilities of, or in any manner give, loan, or extend its credit to, or in aid of, any public or other corporation, association, or individual.

PAY OF MEMBERS

§ 21. The members of the General Assembly shall receive for their services the sum of five dollars per day, during the first session held under this constitution, and ten cents for each mile necessarily traveled in going to, and returning from, the seat of government, to be computed by the auditor of public accounts; and thereafter such compensation as shall be prescribed by law, and no other allowance or emolument, directly or indirectly, for any purpose whatever, except the sum of fifty dollars per session to each member, which shall be in full for postage, stationery, newspapers, and all other incidental expenses and perquisites; but no change shall be made in the compensation of the General Assembly during the term for which they may have been elected. The pay and mileage allowed to each member of the General Assembly shall be certified by the speakers of their respective houses, and entered on the journals, and published at the close of each session.

SPECIAL LEGISLATION PROHIBITED

§ 22. The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say, for—

Granting divorces;

Changing the names of persons or places;

Laying out, opening, altering, and working roads or highways;

Vacating roads, town plats, streets, alleys, and public grounds;

Locating or changing county seats;

Regulating county and township affairs;

Regulating the practice in courts of justice;

Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables;

Providing for changes of venue in civil and criminal cases;

Incorporating cities, towns, or villages, or changing or amending the charter of any town, city, or village;

Providing for the election of members of the Board of Supervisors in townships, incorporated towns, or cities;

Summoning and impaneling grand or petit juries;

Providing for the management of common schools;

Regulating the rate of interest on money;

The opening and conducting of an election, or designating the place of voting;

The sale or mortgage of real estate belonging to minors or others under disability;

The protection of game or fish;

Chartering or licensing ferries or toll bridges;

Remitting fines, penalties, or forfeitures;

Creating, increasing, or decreasing fees, percentages, or allowances of public officers, during the term for which said officers are elected or appointed;

Changing the law of descent;

Granting to any corporation, association, or individual the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatever.

In all other cases where a general law can be made applicable, no special law shall be enacted.

§ 23. The General Assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to this State or to any municipal corporation therein.

IMPEACHMENT

§ 24. The House of Representatives shall have the sole power of impeachment; but a majority of all the members elected must concur therein. All impeachments shall be tried by the Senate; and when sitting for that purpose, the senators shall be upon oath or affirmation, to do justice according to law and evidence. When the governor of the State is tried, the chief justice shall preside. No person shall be convicted without the concurrence of two-thirds of the senators elected. But judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, profit, or trust under the government of this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment, and punishment according to law.

MISCELLANEOUS

§ 25. The General Assembly shall provide, by law, that the fuel, stationery, and printing paper furnished for the use of the State; the copying, printing, binding, and distributing the laws and journals, and all other printing ordered by the General Assembly, shall be let by contract to the lowest responsible bidder; but the General Assembly shall fix a maximum price; and no member thereof, or other officer of the State, shall be interested, directly or indirectly, in such contract. But all such contracts shall be subject to the approval of the governor, and if he disapproves the same, there shall be a re-letting of the contract, in such manner as shall be prescribed by law.

§ 26. The State of Illinois shall never be made defendant in any court of law or equity.

§ 27. The General Assembly shall have no power to authorize lotteries or gift enterprises, for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

§ 28. No law shall be passed which shall operate to extend the term of any public officer after his election or appointment.

§ 29. It shall be the duty of the General Assembly to pass such laws as may be necessary for the protection of operative miners, by providing for ventilation, when the same may be required, and the construction of escapement shafts, or such other appliances as may secure safety in all coal mines, to provide for the enforcement of said laws by such penalties and punishments as may be deemed proper.

§ 30. The General Assembly may provide for establishing and opening roads and cartways, connected with a public road, for private and public use.

§ 31.* The General Assembly may pass laws permitting the owners of land to construct drains, ditches, and levees for agricultural, sanitary, or mining purposes, across the lands of others, and provide for the organization of drainage districts, and vest the corporate authorities thereof with power to construct and maintain levees, drains, and ditches, and to keep in repair all drains, ditches, and levees heretofore constructed under the laws of this State, by special assessments upon the property benefited thereby.

§ 32. The General Assembly shall pass liberal homestead and exemption laws.

§ 33. The General Assembly shall not appropriate out of the State treasury, or expend on account of the new capitol grounds, and construction, completion, and furnishing of the Statehouse, a sum exceeding, in the aggregate, three and a half millions of dollars, inclusive of all appropriations heretofore made, without first submitting the proposition for an additional expenditure to the legal voters of the State, at a general election; nor unless a majority of all votes cast at such election shall be for the proposed additional expenditure.

ARTICLE V

EXECUTIVE DEPARTMENT

§ 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, and attorney-general, who shall each, with the exception of treasurer, hold his office for the term of four

* As amended in 1878.

years from the second Monday of January next after his election, and until his successor is elected and qualified. They shall, except the lieutenant-governor, reside at the seat of government during the term of office, and keep the public records, books, and papers there, and shall perform such duties as may be prescribed by law.

§ 2. The treasurer shall hold his office for the term of two years, and until his successor is elected and qualified; and shall be ineligible to said office for two years next after the end of the term for which he was elected. He may be required by the governor to give reasonable additional security, and in default of so doing his office shall be deemed vacant.

ELECTION

§ 3. An election for governor,. lieutenant-governor, secretary of state, auditor of public accounts, and attorney-general, shall be held on the Tuesday next after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter; for superintendent of public instruction, on the Tuesday next after the first Monday of November, in the year one thousand eight hundred and seventy, and every four years thereafter; and for treasurer, on the day last above mentioned, and every two years thereafter, at such places and in such manner as may be prescribed by law.

§ 4. The returns of every election for the above-named officers shall be sealed up and transmitted, by the returning officers, to the secretary of state, directed to "The Speaker of the House of Representatives," who shall, immediately after the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the General Assembly, who shall for that purpose assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices, shall be declared duly elected; but if two or more have an equal, and the highest number of votes, the General Assembly shall, by joint ballot, choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of the General Assembly, by joint ballot, in such manner as may be prescribed by law.

ELIGIBILITY

§ 5. No person shall be eligible to the office of governor, or lieutenant-governor, who shall not have attained the age of thirty years, and been for five years next preceding his election a citizen of the United States and of this State. Neither the governor, lieutenant-governor, auditor of public accounts, secretary of state, superintendent of public instruction, nor attorney-general shall be eligible to any other office during the period for which he shall have been elected.

GOVERNOR

§ 6. The supreme executive power shall be vested in the governor, who shall take care that the laws be faithfully executed.

§ 7. The governor shall, at the commencement of each session, and at the close of his term of office, give to the General Assembly information, by message, of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the General Assembly, and accompany his message with a statement of all moneys received and paid out by him from any funds subject to his order, with vouchers, and, at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

§ 8. The governor may, on extraordinary occasions, convene the General Assembly, by proclamation, stating therein the purpose for which they are convened; and the General Assembly shall enter upon no business except that for which they were called together.

§ 9. In case of a disagreement between the two houses with respect to the time of adjournment, the governor may, on the same being certified to him by the house first moving the adjournment, adjourn the General Assembly to such time as he thinks proper, not beyond the first day of the next regular session.

§ 10. The governor shall nominate and, by and with the advice and consent of the Senate (a majority of all the senators elected concurring by yeas and nays), appoint all officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed or elected by the General Assembly.

§ 11. In case of vacancy, during the recess of the Senate, in any office which is not elective, the governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate (a majority of all the senators elected concurring by yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the Senate, shall be again nominated for the same office at the same session, unless at the request of the Senate, or be appointed to the same office during the recess of the General Assembly.

§ 12. The governor shall have power to remove any officer whom he may appoint, in case of incompetency, neglect of duty, or malfeasance in office; and he may declare his office vacant and fill the same as is herein provided in other cases of vacancy.

§ 13. The governor shall have power to grant reprieves, commu- [illegible] after conviction, for all offences, subject to such

regulations as may be provided by law relative to the manner of applying therefor.

§ 14. The governor shall be commander-in-chief of the military and naval forces of the State (except when they shall be called into the service of the United States); and may call out the same to execute the laws, suppress insurrection, and repel invasion.

§ 15. The governor, and all civil officers of this State, shall be liable to impeachment for any misdemeanor in office.

VETO

§ 16. Every bill passed by the General Assembly shall, before it becomes a law, be presented to the governor.

If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider the bill. If, then, two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the governor. But in all such cases, the vote of each house shall be determined by yeas and nays, to be entered on the journal.*

* Bills making appropriations of money out of the treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections, and if the governor shall not approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law as to the residue in like manner as if he had signed it.

* The governor shall then return the bill, with his objections to the items or sections of the same not approved by him, to the house in which the bill shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider so much of the said bill as is not approved by the governor.

* The same proceedings shall be had in both houses in reconsidering the same as is hereinbefore provided in case of an entire bill returned by the governor with his objections; and if any item or section of said bill not approved by the governor shall be passed by two-thirds of the members elected to each of the two houses of the General Assembly, it shall become part of said law, notwithstanding the objections of the governor.

Any bill which shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it; unless the General

* Amendment of 1884.

Assembly shall, by their adjournment, prevent its return; in which case it shall be filed, with his objections, in the office of the secretary of state, within ten days after such adjournment, or become a law.

LIEUTENANT-GOVERNOR

§ 17. In case of the death, conviction, or impeachment, failure to qualify, resignation, absence from the State, or other disability of the governor, the powers, duties, and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the lieutenant-governor.

§ 18. The lieutenant-governor shall be president of the Senate, and shall vote only when the Senate is equally divided. The Senate shall choose a president, *pro tempore*, to preside in case of the absence or impeachment of the lieutenant-governor, or when he shall hold the office of governor.

§ 19. If there be no lieutenant-governor, or if the lieutenant-governor shall, for any of the causes specified in section seventeen of this article, become incapable of performing the duties of the office, the president of the Senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the Senate, for any of the above-named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the House of Representatives.

OTHER STATE OFFICERS

§ 20. If the office of auditor of public accounts, treasurer, secretary of state, attorney-general, or superintendent of public instruction shall be vacated by death, resignation, or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. An account shall be kept by the officers of the Executive Department, and of all the public institutions of the State, of all moneys received or disbursed by them, severally, from all sources, and for every service performed, and a semi-annual report thereof be made to the governor, under oath; and any officer who makes a false report shall be guilty of perjury, and be punished accordingly.

§ 21. The officers of the Executive Department, and of all the public institutions of the State, shall, at least ten days preceding each regular session of the General Assembly, severally report to the governor, who shall submit such reports to the General Assembly, together with the reports of the judges of the supreme court of defects in the Constitution and laws; and the governor may at any time require information, in writing, under oath, from the officers of the Executive Department, and all officers and managers of State institutions, upon any subject relating to the condition, management, and expenses of their respective offices.

THE SEAL OF STATE

§ 22. There shall be a seal of the State, which shall be called the "Great Seal of the State of Illinois," which shall be kept by the secretary of state, and used by him, officially, as directed by law.

FEES AND SALARIES

§ 23. The officers named in this article shall receive for their services a salary, to be established by law, which shall not be increased or diminished during their official terms, and they shall not, after the expiration of the terms of those in office at the adoption of this Constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. And all fees that may hereafter be payable by law for any services performed by any officer provided for in this article of the Constitution, shall be paid in advance into the State treasury.

DEFINITION AND OATH OF OFFICE

§ 24. An office is a public position created by the Constitution or law, continuing during the pleasure of the appointing power, or for a fixed time, with a successor elected or appointed. An employment is an agency, for a temporary purpose, which ceases when that purpose is accomplished.

§ 25. All civil officers except members of the General Assembly and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation.

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of —— according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification.

ARTICLE VI

JUDICIAL DEPARTMENT

§ 1. The judicial powers, except as in this article is otherwise provided, shall be vested in one supreme court, circuit courts, county courts, justices of the peace, police magistrates, and in such courts as may be created by law in and for cities and incorporated towns.

SUPREME COURT

§ 2. The supreme court shall consist of seven judges, and shall have original jurisdiction in cases relating to the revenue, in *mandamus* and

habeas corpus, and appellate jurisdiction in all other cases. One of said judges shall be chief justice; four shall constitute a quorum, and the concurrence of four shall be necessary to every decision.

§ 3. No person shall be eligible to the office of judge of the supreme court unless he shall be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the district in which he shall be elected.

§ 4. Terms of the supreme court shall continue to be held in the present grand divisions at the several places now provided for holding the same; and until otherwise provided by law, one or more terms of said court shall be held, for the northern division, in the city of Chicago each year at such times as said court may appoint, whenever said city or the county of Cook shall appoint appropriate rooms therefor, and the use of a suitable library, without expense to the State. The judicial divisions may be altered, increased, or diminished in number, and the times and places of holding said court may be changed by law.

§ 5. The present grand divisions shall be preserved, and be denominated Southern, Central, and Northern, until otherwise provided by law. The State shall be divided into seven districts for the election of judges, and until otherwise provided by law, they shall be as follows:

First District.—The counties of St. Clair, Clinton, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Union, Johnson, Alexander, Pulaski, and Massac.

Second District.—The counties of Madison, Bond, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, Shelby, Cumberland, Clark, Greene, Jersey, Calhoun, and Christian.

Third District.—The counties of Sangamon, Macon, Logan, De Witt, Piatt, Douglas, Champaign, Vermilion, McLean, Livingston, Ford, Iroquois, Coles, Edgar, Moultrie, and Tazewell.

Fourth District.—The counties of Fulton, McDonough, Hancock, Schuyler, Brown, Adams, Pike, Mason, Menard, Morgan, Cass, and Scott.

Fifth District.—The counties of Knox, Warren, Henderson, Mercer, Henry, Stark, Peoria, Marshall, Putnam, Bureau, LaSalle, Grundy, and Woodford.

Sixth District.—The counties of Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Kane, Kendall, DeKalb, Lee, Ogle, and Rock Island.

Seventh District.—The counties of Lake, Cook, Will, Kankakee, and DuPage.

The boundaries of the districts may be changed at the session of the General Assembly next preceding the election for judges therein, and at

no other time; but whenever such alterations shall be made, the same shall be upon the rule of equality of population, as nearly as county boundaries will allow, and the districts shall be composed of contiguous counties, in as nearly compact form as circumstances will permit. The alteration of the districts shall not affect the tenure of office of any judge.

§ 6. At the time of voting on the adoption of this Constitution, one judge of the supreme court shall be elected by the electors thereof, in each of said districts numbered two, three, six, and seven. who shall hold his office for the term of nine years from the first Monday of June, in the year of our Lord one thousand eight hundred and seventy. The term of office of judges of the supreme court, elected after the adoption of this Constitution, shall be nine years; and on the first Monday of June of the year in which the term of any of the judges in the office at the adoption of this Constitution, or of the judges then elected, shall expire, and every nine years thereafter, there shall be an election for the successor or successors of such judges, in the respective districts wherein the term of such judges shall expire. The chief justice shall continue to act as such until the expiration of the term for which he was elected, after which the judges shall choose one of their number chief justice.

§ 7. From and after the adoption of this Constitution, the judges of the supreme court shall each receive a salary of four thousand dollars per annum, payable quarterly, until otherwise provided by law. And after said salaries shall be fixed by law, the salaries of the judges in office shall not be increased or diminished during the term for which said judges shall have been elected.

§ 8. Appeals and writs of error may be taken to the supreme court, held in the grand division in which the case is decided, or, by consent of the parties, to any other grand division.

§ 9. The supreme court shall appoint one reporter of its decisions, who shall hold his office for six years, subject to removal by the court.

§ 10. At the time of the election for representatives in the General Assembly, happening next preceding the expiration of the terms of office of the present clerks of said court, one clerk of said court for each division shall be elected, whose term of office shall be six years from said election, but who shall not enter upon the duties of his office until the expiration of the term of his predecessor, and every six years thereafter one clerk of said court for each division shall be elected.

APPELLATE COURTS

§ 11. After the year of our Lord one thousand eight hundred and seventy-four, inferior appellate courts, of uniform organization and jurisdiction, may be created in districts formed for that purpose, to which

such appeals and writs of error as the General Assembly may provide may be prosecuted from circuit or other courts, and from which appeals and writs of error shall lie to the supreme court, in all criminal cases, and cases in which a franchise, or freehold, or the validity of a statute is involved, and in such other cases as may be provided by law. Such appellate courts shall be held by such number of judges of the circuit courts, and at such times and places, and in such manner as may be provided by law; but no judge shall sit in review upon cases decided by him; nor shall said judges receive any additional compensation for such services.

CIRCUIT COURTS

§ 12. The circuit courts shall have original jurisdiction of all causes in law and equity, and such appellate jurisdiction as is or may be provided by law, and shall hold two or more terms each year in every county. The terms of office of judges of circuit courts shall be six years.

§ 13. The State, exclusive of the county of Cook and other counties having a population of one hundred thousand, shall be divided into judicial circuits, prior to the expiration of the terms of office of the present judges of the circuit courts. Such circuits shall be formed of contiguous counties, in as nearly compact form and as nearly equal as circumstances will permit, having due regard to business, territory, and population, and shall not exceed in number one circuit for every one hundred thousand of population in the State. One judge shall be elected for each of said circuits by the electors thereof. New circuits may be formed and the boundaries of circuits changed by the General Assembly, at its session next preceding the election for circuit judges, but at no other time. *Provided*, that the circuits may be equalized or changed at the first session of the General Assembly after the adoption of this Constitution. The creation, alteration, or change of any circuit shall not affect the tenure of office of any judge. Whenever the business of the circuit court of any one, or of two or more contiguous counties, containing a population exceeding fifty thousand, shall occupy nine months of the year, the General Assembly may make of such county, or counties, a separate circuit. Whenever additional circuits are created, the foregoing limitations shall be observed.

§ 14. The General Assembly shall provide for the times of holding court in each county; which shall not be changed, except by the General Assembly next preceding the general election for judges of said courts; but additional terms may be provided for in any county. The election for judges of the circuit courts shall be held on the first Monday in June, in the year of our Lord one thousand eight hundred and seventy-three, and every six years thereafter.

§ 15. The General Assembly may divide the State into judicial circuits of greater population and territory, in lieu of the circuits provided

for in section thirteen of this article, and provide for the election therein, severally, by the electors thereof, by general ticket, of not exceeding four judges, who shall hold the circuit courts in the circuit for which they shall be elected, in such manner as may be provided by law.

§ 16. From and after the adoption of this Constitution, judges of the circuit courts shall receive a salary of three thousand dollars per annum, payable quarterly, until otherwise provided by law. And after their salaries shall be fixed by law, they shall not be increased or diminished during the terms for which said judges shall be respectively elected; and from and after the adoption of this Constitution, no judge of the supreme or circuit court shall receive any other compensation, perquisites, or benefit, in any form whatsoever, nor perform any other than judicial duties to which may belong any emoluments.

§ 17. No person shall be eligible to the office of judge of the circuit or any inferior court, or to membership in the Board of County Commissioners, unless he shall be at least twenty-five years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the circuit, county, city, cities, or incorporated town in which he shall be elected.

COUNTY COURTS

§ 18. There shall be elected in and for each county, one county judge and one clerk of the county court, whose term of office shall be four years. But the General Assembly may create districts of two or more contiguous counties, in each of which shall be elected one judge, who shall take the place of and exercise the powers and jurisdiction of county judges in such districts. County courts shall be courts of record, and shall have original jurisdiction in all matters of probate; settlement of estates of deceased persons; appointment of guardians and conservators, and settlements of their accounts; in all matters relating to apprentices; and in proceedings for the collection of taxes and assessments, and such other jurisdiction as may be provided for by general law.

§ 19. Appeals and writs of error shall be allowed from final determinations of county courts, as may be provided by law.

PROBATE COURTS

§ 20. The General Assembly may provide for the establishment of a probate court in each county having a population of over fifty thousand, and for the election of a judge thereof, whose term of office shall be the same as that of the county judge, and who shall be elected at the same time and in the same manner. Said courts, when established, shall have original jurisdiction of all probate matters, the settlement of estates

of deceased persons, the appointment of guardians and conservators, and settlements of their accounts; in all matters relating to apprentices, and in cases of sales of real estate of deceased persons for the payment of debts.

JUSTICES OF THE PEACE AND CONSTABLES

§ 21. Justices of the peace, police magistrates, and constables shall be elected in and for such districts as are, or may be, provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.

STATE'S ATTORNEYS

§ 22. At the election for members of the General Assembly in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter, there shall be elected a State's attorney in and for each county, in lieu of the State's attorneys now provided by law, whose term of office shall be four years.

COURTS OF COOK COUNTY

§ 23. The county of Cook shall be one judicial circuit. The circuit court of Cook County shall consist of five judges, until their number shall be increased, as herein provided. The present judge of the recorder's court of the city of Chicago, and the present judge of the circuit court of Cook County, shall be two of said judges, and shall remain in office for the terms for which they were respectively elected, and until their successors shall be elected and qualified. The superior court of Chicago shall be continued and called the "Superior Court of Cook County." The General Assembly may increase the number of said judges, by adding one to either of said courts for every additional fifty thousand inhabitants in said county over and above a population of four hundred thousand. The terms of office of the judges of said courts, hereafter elected, shall be six years.

§ 24. The judge having the shortest unexpired term shall be chief justice of the court of which he is a judge. In case there are two or more whose terms expire at the same time, it may be determined by lot which shall be chief justice. Any judge of either of said courts shall have all the powers of a circuit judge, and may hold the court of which he is a member. Each of them may hold a different branch thereof at the same time.

§ 25. The judges of the superior and circuit courts, and the State's attorney, in said county, shall receive the same salaries, payable out of the State treasury, as is or may be paid from said treasury to the circuit judges and State's attorneys of the State, and such further compensation, to be paid by the county of Cook, as is or may be provided by law.

Such compensation shall not be changed during their continuance in office.

§ 26. The recorder's court of the city of Chicago shall be continued, and shall be called the "Criminal Court of Cook County." It shall have the jurisdiction of a circuit court in all cases of criminal and *quasi* criminal nature, arising in the county of Cook, or that may be brought before said court pursuant to law; and all recognizances and appeals taken in said county in criminal and *quasi* criminal cases shall be returnable and taken to said court. It shall have no jurisdiction in civil cases, except in those on behalf of the people, and incident to such criminal or *quasi* criminal matters, and to dispose of unfinished business. The terms of said criminal court of Cook County shall be held by one or more of the judges of the circuit or superior court of Cook County, as nearly as may be in alternation, as may be determined by said judges, or provided by law. Said judges shall be *ex officio* judges of said court.

§ 27. The present clerk of the recorder's court of the city of Chicago shall be the clerk of the criminal court of Cook County during the term for which he was elected. The present clerks of the superior court of Chicago, and the present clerk of the circuit court of Cook County, shall continue in office during the terms for which they were respectively elected; and thereafter there shall be but one clerk of the superior court, to be elected by the qualified electors of said county, who shall hold his office for the term of four years, and until his successor is elected and qualified.

§ 28. All justices of the peace in the city of Chicago shall be appointed by the governor, by and with the advice and consent of the Senate (but only upon the recommendation of a majority of the judges of the circuit, superior, and county courts), and for such districts as are now or shall hereafter be provided by law. They shall hold their offices for four years, and until their successors have been commissioned and qualified; but they may be removed by summary proceeding, in the circuit or superior court, for extortion or other malfeasance. Existing justices of the peace and police magistrates may hold their offices until the expiration of their respective terms.

GENERAL PROVISIONS

§ 29. All judicial officers shall be commissioned by the governor. All laws relating to courts shall be general, and of uniform operation; and the organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process, judgments, and decrees of such courts, severally, shall be uniform.

§ 30. The General Assembly may, for cause entered on the journals, upon due notice and opportunity of defence, remove from office any

judge, upon concurrence of three-fourths of all the members elected of each house. All other officers in this article mentioned shall be removed from office, on prosecution and final conviction, for misdemeanor in office.

§ 31. All judges of courts of record inferior to the supreme court shall, on or before the first day of June of each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their experience may suggest; and the judges of the supreme court shall, on or before the first day of January of each year, report in writing to the governor such defects and omissions in the Constitution and laws as they may find to exist, together with appropriate forms of bills to cure such defects and omissions in the laws. And the judges of the several circuit courts shall report to the next General Assembly the number of days they have held court in the several counties composing their respective circuits the preceding two years.

§ 32. All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall, respectively, reside in the division, circuit, county, or district for which they may be elected or appointed. The terms of office of all such officers, where not otherwise prescribed in this article, shall be four years. All officers, where not otherwise provided for in this article, shall perform such duties and receive such compensation as is, or may be, provided by law. Vacancies in such elective offices shall be filled by election; but where the unexpired term does not exceed one year, the vacancy shall be filled by appointment, as follows: Of judges, by the governor; of clerks of courts, by the court to which the office appertains, or by the judge or judges thereof; and of all such other offices, by the Board of Supervisors, or Board of County Commissioners, in the county where the vacancy occurs.

§ 33. All process shall run: *In the name of the People of the State of Illinois;* and all prosecutions shall be carried on: *In the name and by the authority of the People of the State of Illinois;* and conclude: *Against the peace and dignity of the same.* "Population," wherever used in this article, shall be determined by the next preceding census of this State, or of the United States.

ARTICLE VII

SUFFRAGE

§ 1. Every person having resided in this State one year, in the county ninety days, and in the election district thirty days next preceding any election therein, who was an elector in this State on the first day of April, in the year of our Lord one thousand eight hundred and forty-eight, or obtained a certificate of naturalization, before any court of record in this State, prior to the first day of January, in the year of our

Lord one thousand eight hundred and seventy, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election.

§ 2. All votes shall be by ballot.

§ 3. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

§ 4. No elector shall be deemed to have lost his residence in this State by reason of his absence on the business of the United States, or of this State, or in the military or naval service of the United States.

§ 5. No soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed therein.

§ 6. No person shall be elected or appointed to any office in this State, civil, or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding the election or appointment.

§ 7. The General Assembly shall pass laws excluding from the right of suffrage persons convicted of infamous crimes.

ARTICLE VIII

EDUCATION

§ 1. The General Assembly shall provide a thorough and efficient system of free schools, whereby all children of this State may receive a good common school education.

§ 2. All lands, moneys, or other property, donated, granted, or received for school, college, seminary, or university purposes, and the proceeds thereof, shall be faithfully applied to the objects for which such gifts or grants were made.

§ 3. Neither the General Assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State, or any such public corporation, to any church, or for any sectarian purpose.

§ 4. No teacher, State, county, township, or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus, or furniture, used or to be used, in any school in this State, with which

such officer or teacher may be connected, under such penalties as may be provided by the General Assembly.

§ 5. There may be a county superintendent of schools in each county whose qualifications, powers, duties, compensation, and time and manner of election, and term of office, shall be prescribed by law.

ARTICLE IX

REVENUE

§ 1. The General Assembly shall provide such revenue as may be needful by levying a tax, by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property—such value to be ascertained by some person or persons, to be elected or appointed in such manner as the General Assembly shall direct, and not otherwise; but the General Assembly shall have power to tax peddlers, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, jugglers, inn-keepers, grocery-keepers, liquor-dealers, toll-bridges, ferries, insurance, telegraph and express interests or business, venders of patents, and persons or corporations owning or using franchises and privileges, in such manner as it shall, from time to time, direct by general law, uniform as to the class upon which it operates.

§ 2. The specification of the objects and subjects of taxation shall not deprive the General Assembly of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this Constitution.

§ 3. The property of the State, counties, and other municipal corporations, both real and personal, and such other property, as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery, and charitable purposes, may be exempted from taxation; but such exemption shall be only by general law. In the assessement of real estate incumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property.

§ 4. The General Assembly shall provide, in all cases where it may be necessary to sell real estate for the non-payment of taxes or special assessments, for State, county, municipal, or other purposes, that a return of such unpaid taxes or assessments shall be made to some general officer of the county, having authority to receive State and county taxes; and there shall be no sale of said property for any of said taxes or assessments but by said officer, upon the order or judgment of some court of record.

§ 5. The right of redemption from all sales of real estate, for the non-payment of taxes or special assessments of any character whatever,

shall exist in favor of owners and persons interested in such real estate, for a period of not less than two years from such sales thereof. And the General Assembly shall provide, by law, for reasonable notice to be given to the owners or parties interested, by publication or otherwise, of the fact of the sale of the property for such taxes or assessments, and when the time of redemption shall expire: *Provided*, that occupants shall in all cases be served with personal notice before the time of redemption expires.

§ 6. The General Assembly shall have no power to release or discharge any county, city, township, town, or district, whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

§ 7. All taxes levied for State purposes shall be paid into the State treasury.

§ 8. County authorities shall never assess taxes, the aggregate of which shall exceed seventy-five cents per one hundred dollars' valuation, except for the payment of indebtedness existing at the adoption of this Constitution, unless authorized by a vote of the people of the county.

§ 9. The General Assembly may vest the corporate authorities of cities, towns, and villages, with power to make local improvements by special assessment or by special taxation of contiguous property, or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform in respect to persons and property, within the jurisdiction of the body imposing the same.

§ 10. The General Assembly shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property, within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

§ 11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary, or compensation of no municipal officer who is elected or appointed for a definite term of office, shall be increased or diminished during such term.

§ 12. No county, city, township, school district, or other municipal corporation, shall be allowed to become indebted in any manner or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness. Any county,

city, school district, or other municipal corporation, incurring any indebtedness as aforesaid, shall before, or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same. This section shall not be construed to prevent any county, city, township, school district, or other municipal corporation, from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this Constitution in pursuance of any law providing therefor.

§ 13.* The corporate authorities of the city of Chicago are hereby authorized to issue interest-bearing bonds of said city to an amount not exceeding five million dollars, at a rate of interest not to exceed five per centum per annum, the principal payable within thirty years from the date of their issue, and the proceeds thereof shall be paid to the treasurer of the World's Columbian Exposition, and used and disbursed by him under the direction and control of the directors, in aid of the World's Columbian Exposition, to be held in the city of Chicago, in pursuance of an act of Congress of the United States.

Provided, that if at an election for the adoption of this amendment a majority of the votes cast within the limits of the city of Chicago shall be against its adoption, then no bonds shall be issued under this amendment.

And said corporate authorities shall be repaid as large a proportionate amount of the aid given by them as is repaid to the stockholders on the sums subscribed and paid by them, and the money so received shall be used in the redemption of the bonds issued as aforesaid, provided that said authorities may take in whole or in part of the sum coming to them any permanent improvements placed on land held or controlled by them.

And provided further, that no such indebtedness so created shall in any part thereof be paid by the State, or from any State revenue, tax, or fund, but the same shall be paid by the said city of Chicago alone.

ARTICLE X

COUNTIES

§ 1. No new county shall be formed or established by the General Assembly, which will reduce the county or counties, or either of them, from which it shall be taken, to less contents than four hundred square miles; nor shall any county be formed of less contents; nor shall any line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided.

§ 2. No county shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the

* Amendment of 1890.

county, nor unless a majority of all the legal voters of the county, voting on the question, shall vote for the same.

§ 3. There shall be no territory stricken from any county, unless a majority of the voters living in such territory shall petition for such division; and no territory shall be added to any county without the consent of the majority of the voters of the county to which it is proposed to be added. But the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be holden for and obliged to pay its proportion of the indebtedness of the county from which it has been taken.

COUNTY SEATS

§ 4. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed in pursuance of law, and three-fifths of the voters of the county, to be ascertained in such manner as shall be provided by general law, shall have voted in favor of its removal to such point; and no person shall vote on such question who has not resided in the county six months, and in the election precinct ninety days next preceding such election. The question of the removal of a county seat shall not be oftener submitted than once in ten years, to a vote of the people. But when an attempt is made to remove a county seat to a point nearer to the centre of a county, then a majority vote only shall be necessary.

COUNTY GOVERNMENT

§ 5. The General Assembly shall provide, by general law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting at any general election, shall so determine, and whenever any county shall adopt township organization, so much of this Constitution as provides for the management of the fiscal concerns of the said county by the Board of County Commissioners, may be dispensed with, and the affairs of said county may be transacted in such manner as the General Assembly may provide. And in any county that shall have adopted a township organization, the question of continuing the same may be submitted to a vote of the electors of such county, at a general election, in the manner that now is or may be provided by law; and if a majority of all the votes cast upon that question shall be against township organization, then such organization shall cease in said county; and all laws in force in relation to counties not having township organization, shall immediately take effect and be in force in such county. No two townships shall have the same name, and the day of holding the annual township meeting shall be uniform throughout the State.

§ 6. At the first election of county judges under this Constitution, there shall be elected in each of the counties in this State, not under

township organization, three officers, who shall be styled "The Board of County Commissioners," who shall hold sessions for the transaction of county business as shall be provided by law. One of said commissioners shall hold his office for one year, one for two years, and one for three years, to be determined by lot; and every year thereafter one such officer shall be elected in each of said counties for the term of three years.

§ 7. The county affairs of Cook County shall be managed by a Board of Commissioners of fifteen persons, ten of whom shall be elected from the city of Chicago, and five from towns outside of said city, in such manner as may be provided by law.

COUNTY OFFICERS AND THEIR COMPENSATION

§ 8.* In each county there shall be elected the following county officers, at the general election to be held on the Tuesday after the first Monday in November, A. D. 1882: A county judge, county clerk, sheriff, and treasurer, and at the election to be held on the Tuesday after the first Monday in November, A. D. 1884, a coroner and clerk of the circuit court (who may be *ex officio* recorder of deeds, except in counties having 60,000 and more inhabitants, in which counties a recorder of deeds shall be elected at the general election in 1884). Each of said officers shall enter upon the duties of his office, respectively on the first Monday of December after his election, and they shall hold their respective offices for the term of four years, and until their successors are elected and qualified: *Provided*, that no person having once been elected to the office of sheriff or treasurer shall be eligible to reelection to said office for four years after the expiration of the term for which he shall have been elected.

§ 9. The clerks of all the courts of record, the treasurer, sheriff, coroner, and recorder of deeds of Cook County, shall receive as their only compensation for their services, salaries to be fixed by law, which shall in no case be as much as the lawful compensation of a judge of the circuit court of said county, and shall be paid, respectively, only out of the fees of the office actually collected. All fees, perquisites, and emoluments (above the amounts of said salaries) shall be paid into the county treasury. The number of the deputies and assistants of such officers shall be determined by rule of the circuit court, to be entered of record, and their compensation shall be determined by the county board.

§ 10. The county board, except as provided in section nine of this article, shall fix the compensation of all county officers, with the amount of their necessary clerk hire, stationery, fuel, and other expenses, and in all cases where fees are provided for, said compensation shall be paid only out of, and shall in no instance exceed, the fees actually collected;

* As amended in 1880.

they shall not allow either of them more per annum than fifteen hundred dollars, in counties not exceeding twenty thousand inhabitants; two thousand dollars, in counties containing twenty thousand and not exceeding thirty thousand inhabitants; twenty-five hundred dollars, in counties containing thirty thousand and not exceeding fifty thousand inhabitants; three thousand dollars, in counties containing fifty thousand and not exceeding seventy thousand inhabitants; thirty-five hundred dollars, in counties containing seventy thousand and not exceeding one hundred thousand inhabitants; and four thousand dollars, in counties containing one hundred thousand and not exceeding two hundred and fifty thousand inhabitants; and not more than one thousand dollars additional compensation for each additional one hundred thousand inhabitants. *Provided*, that the compensation of no officer shall be increased or diminished during his term of office. All fees or allowances by them received, in excess of their said compensation, shall be paid into the county treasury.

§ 11. The fees of township officers, and of each class of county officers, shall be uniform in the class of counties to which they respectively belong. The compensation herein provided for shall apply only to officers hereafter elected, but all fees established by special laws shall cease at the adoption of this Constitution, and such officers shall receive only such fees as are provided by general law.

§ 12. All laws fixing the fees of State, county, and township officers, shall terminate with the terms respectively of those who may be in office at the meeting of the first General Assembly after the adoption of this Constitution; and the General Assembly shall, by general law, uniform in its operation, provide for and regulate the fees of said officers and their successors, so as to reduce the same to a reasonable compensation for services actually rendered. But the General Assembly may, by general law, classify the counties by population into not more than three classes, and regulate the fees according to class. This article shall not be construed as depriving the General Assembly of the power to reduce the fees of existing officers.

§ 13. Every person who is elected or appointed to any office in this State, who shall be paid in whole or in part by fees, shall be required by law to make a semi-annual report, under oath, to some officer to be designated by law, of all his fees and emoluments.

ARTICLE XI

CORPORATIONS

§ 1. No corporation shall be created by special laws, or its charter extended, changed, or amended, except those for charitable, educational, penal, or reformatory purposes, which are to be and remain under the patronage and control of the State, but the General Assembly shall pro-

vide, by general laws, for the organization of all corporations hereafter to be created.

§ 2. All existing charters or grants of special or exclusive privileges, under which organization shall not have taken place, or which shall not have been in operation within ten days from the time this Constitution takes effect, shall thereafter have no validity or effect whatever.

§ 3. The General Assembly shall provide, by law, that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote, in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors and managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock, shall equal, or distribute them on the same principle among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner.

§ 4. No law shall be passed by the General Assembly, granting the right to construct and operate a street railroad within any city, town, or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

BANKS

§ 5. No State bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation or joint stock company or association for banking purposes, now created, or to be hereafter created. No act of the General Assembly authorizing or creating corporations or associations, with banking powers, whether of issue, deposit, or discount, nor amendments thereto, shall go into effect, or in any manner be in force, unless the same shall be submitted to a vote of the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such an election for or against such law.

§ 6. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all its liabilities accruing while he or she remains such stockholder.

§ 7. The suspension of specie payments by banking institutions, on their circulation, created by the laws of this State, shall never be permitted or sanctioned. Every banking association now, or which may hereafter be, organized under the laws of this State, shall make and publish a full and accurate quarterly statement of its affairs (which shall be certified to, under oath, by one or more of its officers), as may be provided by law.

§ 8. If a general banking law shall be enacted, it shall provide for

the registry and countersigning, by an officer of State, of all bills or paper credit, designed to circulate as money, and require security, to the full amount thereof, to be deposited with the State treasurer, in United States or Illinois State stocks, to be rated at ten per cent. below their par value; and in case of a depreciation of said stocks to the amount of ten per cent. below par, the bank or banks owning said stocks shall be required to make up said deficiency, by depositing additional stocks. And said law shall also provide for the recording of the names of all stockholders in such corporation, the amount of stock held by each, the time of any transfer thereof, and to whom such transfer is made.

RAILROADS

§ 9. Every railroad corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for public inspection, books, in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them respectively; the amount of stock paid in, and by whom; the transfers of said stock; the amount of its assets and liabilities, and the names and place of residence of its officers. The directors of every railway corporation shall, annually, make a report, under oath, to the auditor of public accounts, or some officer to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. And the General Assembly shall pass laws enforcing by suitable penalties the provisions of this section.

§ 10. The rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the General Assembly shall pass no law exempting any such property from execution and sale.

§ 11. No railroad corporation shall consolidate its stock, property, or franchise with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given, of at least sixty days, to all stockholders, in such manner as may be provided by law. A majority of the directors of any railroad corporation, now incorporated or hereafter to be incorporated by the laws of this State, shall be citizens and residents of this State.

§ 12. Railways heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and shall be free to all persons, for the transportation of their persons and property

thereon, under such regulations as may be prescribed by law. And the General Assembly shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this State.

§ 13. No railroad corporation shall issue any stock or bonds, except for money, labor, or property, actually received, and applied to the purpose for which such corporation was created; and all stock dividends, and other fictitious increase of capital stock or indebtedness of any such corporation, shall be void. The capital stock of no railroad corporation shall be increased for any purpose, except upon giving sixty days' public notice, in such manner as may be provided by law.

§ 14. The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking, by the General Assembly, of the property and franchises of incorporated companies already organized, and subjecting them to the public necessity the same as of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when, in the exercise of the said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

§ 15. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws, by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

ARTICLE XII

MILITIA

§ 1. The militia of the State of Illinois shall consist of all able-bodied male persons, resident in the State, between the ages of eighteen and forty-five, except such persons as now are, or hereafter may be, exempted by the laws of the United States, or of this State.

§ 2. The General Assembly, in providing for the organization, equipment, and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

§ 3. All militia officers shall be commissioned by the governor, and may hold their commissions for such time as the General Assembly may provide.

§ 4. The militia shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at musters and elections, and in going to and returning from the same.

§ 5. The military records, banners, and relics of the State shall be preserved as an enduring memorial of the patriotism and valor of Illi-

nois, and it shall be the duty of the General Assembly to provide by law for the safe keeping of the same.

§ 6. No person having conscientious scruples against bearing arms, shall be compelled to do militia duty in time of peace. *Provided*, such person shall pay an equivalent for such exemption.

ARTICLE XIII

WAREHOUSES

§ 1. All elevators or storehouses where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses.

§ 2. The owner, lessee, or manager of each and every public warehouse situated in any town or city of not less than one hundred thousand inhabitants, shall make weekly statements under oath, before some officer to be designated by law, and keep the same posted in some conspicuous place in the office of such warehouse, and shall also file a copy for public examination in such place as shall be designated by law, which statement shall correctly set forth the amount and grade of each and every kind of grain in such warehouse, together with such other property as may be stored therein, and what warehouse receipts have been issued, and are, at the time of making such statement, outstanding therefor; and shall, on the copy posted in the warehouse, note daily such changes as may be made in the quantity and grade of grain in such warehouse; and the different grades of grain shipped in separate lots, shall not be mixed with inferior or superior grades, without the consent of the owner or consignee thereof.

§ 3. The owners of property stored in any warehouse, or holder of a receipt for the same, shall always be at liberty to examine such property stored, and all the books and records of the warehouse, in regard to such property.

§ 4. All railroad companies and other common carriers on railroads shall weigh or measure grain at points where it is shipped, and receipt for the full amount, and shall be responsible for the delivery of such amount to the owner or consignee thereof, at the place of destination.

§ 5. All railroad companies receiving and transporting grain in bulk or otherwise shall deliver the same to any consignee thereof, or any elevator or public warehouse to which it may be consigned, provided such consignee or the elevator or public warehouse can be reached by any track owned, leased, or used, or which can be used, by such railroad companies; and all railroad companies shall permit connections to be made with their track, so that any such consignee, and any public warehouse, coal bank, or coal yard, may be reached by the cars on said railroad.

§ 6. It shall be the duty of the General Assembly to pass all necessary laws to prevent the issue of false and fraudulent warehouse receipts, and to give full effect to this article of the Constitution, which shall be liberally construed so as to protect producers and shippers. And the enumeration of the remedies herein named shall not be construed to deny to the General Assembly the power to prescribe by law such other and further remedies as may be found expedient, or to deprive any person of existing common law remedies.

§ 7. The General Assembly shall pass laws for the inspection of grain, for the protection of producers, shippers, and receivers of grain and produce.

ARTICLE XIV

AMENDMENTS TO THE CONSTITUTION

§ 1. Whenever two-thirds of the members of each house of the General Assembly shall, by a vote entered upon the journals thereof, concur that a convention is necessary to revise, alter, or amend the Constitution, the question shall be submitted to the electors at the next general election. If a majority voting at the election vote for a convention, the General Assembly shall, at the next session, provide for a convention, to consist of double the number of members of the Senate, to be elected in the same manner, at the same places, and in the same districts. The General Assembly shall, in the act calling the convention, designate the day, hour, and place of its meeting, fixing the pay of its members and officers, and provide for the payment of the same, together with the expenses necessarily incurred by the convention in the performance of its duties. Before proceeding, the members shall take an oath to support the Constitution of the United States, and of the State of Illinois, and to faithfully discharge their duties as members of the convention. The qualification of members shall be the same as that of members of the Senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the General Assembly. Said convention shall meet within three months after such election, and prepare such revision, alteration, or amendments of the Constitution as shall be deemed necessary, which shall be submitted to the electors for their ratification or rejection, at an election appointed by the convention for that purpose, not less than two nor more than six months after the adjournment thereof; and unless so submitted and approved, by a majority of the electors voting at the election, no such revision, alteration, or amendments shall take effect.

§ 2. Amendments to this Constitution may be proposed in either house of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each of the two houses, such proposed amendments, together with the yeas and nays of each house

ANALYSIS OF THE ILLINOIS CONSTITUTION

TABLE I

I. The Preamble (= the enacting clause).

II. The Land and Its Boundaries (Art. I.).

III. Suffrage (= definition of the political people) (Art. VII.).

IV. The Structure and Functions of Government (Arts. III.–VI., VIII.–XIII.).
 (1) The General State Government (see Table II.).
 (2) Local Government (see Table III.).

V. The Bill of Rights (= general restrictions on the powers of government) (Art. II.).

VI. Amendments (Art. XIV.).

TABLE II

THE GENERAL STATE GOVERNMENT

I. Distribution of Powers (Art. III.).

II. The Legislature (Art. IV.).
 (1) Structure (Art. IV., §§ 1, 2, 6–8).
 (2) Qualifications for membership, and disqualifications of members (Art. IV., §§ 3–5, 15).
 (3) Privileges of members (Art. IV., §§ 14, 21).
 (4) Powers and duties of the separate houses (Art. IV., §§ 9, 10, 24).
 (5) Procedure (Art. IV., §§ 11–13).
 (6) Powers and duties in general (Art. IV., §§ 18, 25, 29–32).
 (7) Restrictions (Art. IV., §§ 16–20, 22, 23, 25–28, 33).

(8) Special fields of legislation :
 (*a*) Revenue (Art. IX.).
 (*b*) Education (Art. VIII.).
 (*c*) Corporations (Art. XI., also second separate section).
 (*d*) Warehouses (Art. XIII.).
 (*e*) Public works (first and third separate sections).

III. THE EXECUTIVE (Art. V.).
 (1) Structure (Art. V., §§ 1–4, 24).
 (2) The governor :
 (*a*) Qualifications (Art. V., § 5).
 (*b*) Powers and duties (Art. V., §§ 6–14, 16).
 (3) The lieutenant-governor (Art. V., §§ 1, 17–19).
 (4) The executive departments :
 (*a*) Structure (Art. V., §§ 1–4, 20).
 (*b*) Powers and duties (Art. V., §§ 20–22).
 (5) The State military (Art. V., § 14 ; Art. XII.).
 (6) Privileges of officers (Art. V., § 23).
 (7) Responsibility of officers (Art. V., § 15 ; Art. IV., § 24).

IV. THE JUDICIARY (Art. VI.).
 (1) Structure of courts (Art. VI., §§ 1–6, 9–11, 13–15, 17, 18, 20–24, 26–29, 32, 33).
 (2) Jurisdiction of courts (Art. VI., §§ 8, 12, 16, 18–21).
 (3) Powers and duties of judges (Art VI., §§ 31, 32).
 (4) Privileges of judges (Art. VI., §§ 7, 16, 25, 32).
 (5) Responsibility of judges (Art. VI., § 30).

TABLE III

LOCAL GOVERNMENT

I. COUNTIES (Art. X.).
 (1) Organization (Art. X., §§ 1–3.)
 (2) County seats (Art. X., § 4).
 (3) County government (Art. X., §§ 5–7).
 (4) County officers (Art. X., §§ 8–13).

II. TOWNS (Art. X., § 5 ; Art. IV., § 22).

III. MUNICIPAL CORPORATIONS (Art. XI., §§ 1, 2, 4).

IV. RESTRICTIONS ON LOCAL AUTHORITIES (second separate section).

II. GOVERNORS OF ILLINOIS

THE NORTHWEST TERRITORY

ARTHUR ST. CLAIR.

INDIANA TERRITORY

WILLIAM HENRY HARRISON.

ILLINOIS TERRITORY

NINIAN EDWARDS * (1809–1818).

THE STATE OF ILLINOIS

Under the Constitution of 1818 the election was held on the first Monday in August, and the governor's term began on the first Monday in December. Under the Constitution of 1848 the first election was held on the Tuesday next after the first Monday in November, 1848, and thereafter an election was to be held quadrennially. The term of the first governor elected was to begin on the second Monday in January, 1849. The term was still four years. The Constitution of 1870 made no changes.

SHADRACH BOND	1818–1822
EDWARD COLES	1822–1826
NINIAN EDWARDS	1826–1830
JOHN REYNOLDS	1830–1834
W. L. D. EWING †	1834
JOSEPH DUNCAN	1834–1838
THOMAS CARLIN	1838–1842
THOMAS FORD	1842–1846

* John Boyle, of Kentucky, was appointed, but declined.

† In 1834 there was a vacancy in the office of lieutenant-governor, and W. L. D. Ewing, a senator, was chosen president of the Senate. Governor Reynolds was elected to Congress to fill out an unexpired term, and set out for Washington in November. Mr. Ewing, accordingly, became acting-governor, an office which he held for fifteen days.

Augustus C. French*	1846–1849 1849–1853
Joel A. Matteson	1853–1857
William H. Bissell	1857–1861
Richard Yates	1861–1865
Richard J. Oglesby	1865–1869
John M. Palmer	1869–1873
Richard J. Oglesby	1873
John L. Beveridge	1873–1877
Shelby M. Cullom	1877–1881 1881–1883
John M. Hamilton	1883–1885
Richard J. Oglesby	1885–1889
Joseph W. Fifer	1889–1893
John P. Altgeld	1893–1897
John W. Tanner	1897–1901

*See note at head of list of governors of the State.

III. PRESIDENTS OF THE UNITED STATES

George Washington	Virginia	1789–1797
John Adams	Massachusetts	1797–1801
Thomas Jefferson	Virginia	1801–1809
James Madison	Virginia	1809–1817
James Monroe	Virginia	1817–1825
John Quincy Adams	Massachusetts	1825–1829
Andrew Jackson	Tennessee	1829–1837
Martin Van Buren	New York	1837–1841
William Henry Harrison*	Ohio	1841
John Tyler †	Virginia	1841–1845
James Knox Polk	Tennessee	1845–1849
Zachary Taylor *	Louisiana	1849–1850
Millard Fillmore †	New York	1850–1853
Franklin Pierce	New Hampshire	1853–1857
James Buchanan	Pennsylvania	1857–1861
Abraham Lincoln *	Illinois	1861–1865
Andrew Johnson †	Tennessee	1865–1869
Ulysses Simpson Grant	Illinois	1869–1877
Rutherford Birchard Hayes	Ohio	1877–1881
James Abram Garfield *	Ohio	1881
Chester Allan Arthur †	New York	1881–1885
Grover Cleveland	New York	1885–1889
Benjamin Harrison	Indiana	1889–1893
Grover Cleveland	New York	1893–1897
William McKinley	Ohio	1897

* Died in office.

† Succeeded as Vice-President on the death of the President.

IV. ELECTORAL VOTES CAST BY ILLINOIS

YEAR ELECTORS WERE CHOSEN		
1820.	JAMES MONROE *	3
1824.	ANDREW JACKSON	2
1824.	JOHN QUINCY ADAMS †	1
1828.	ANDREW JACKSON *	3
1832.	ANDREW JACKSON *	5 ‡
1836.	MARTIN VAN BUREN *	5
1840.	MARTIN VAN BUREN	5
1844.	JAMES K. POLK *	9 ‡
1848.	LEWIS CASS	9
1852.	FRANKLIN PIERCE *	11 ‡
1856.	JAMES BUCHANAN *	11
1860.	ABRAHAM LINCOLN *	11
1864.	ABRAHAM LINCOLN *	11
1868.	ULYSSES S. GRANT *	11
1872.	ULYSSES S. GRANT *	21 ‡
1876.	RUTHERFORD B. HAYES *	21
1880.	JAMES A. GARFIELD *	21
1884.	JAMES G. BLAINE	22 ‡
1888.	BENJAMIN HARRISON *	22
1892.	GROVER CLEVELAND *	24 ‡
1896.	WILLIAM MCKINLEY *	24

* Elected.

† Elected by the House of Representatives, as there was no choice by the electors.

‡ Number of electors increased in accordance with congressional apportionment.

V. THE CONGRESSIONAL DISTRICTS OF ILLINOIS

(*Apportionment of* 1893)

First—The towns of Rich, Bloom, Orland, Bremen, Thornton, Calumet, and Worth, in Cook County, and the fourth ward east of the centre line of Wentworth Avenue, the third ward, the thirty-first ward, the thirty-second ward, the thirty-third ward, and the thirty-fourth ward, in Chicago.

Second—The towns of Lemont, Palos, Lyons, Proviso, Riverside, Cicero, Leyden, Norwood Park, Maine, Elk Grove, Schaumburg, and Hanover, in Cook County, and the tenth, twenty-eighth, twenty-ninth, and thirtieth wards of the city of Chicago.

Third—First, second, fifth, sixth, seventh wards, and that part of the fourth ward west of the centre line of Wentworth Avenue, all in the city of Chicago.

Fourth—Eighth, ninth, twelfth, and nineteenth wards of the city of Chicago.

Fifth—Eleventh, thirteenth, sixteenth, eighteenth, and seventeenth wards of the city of Chicago.

Sixth—Twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth wards, also that part of the twenty-fifth ward south of the centre line of Diversey Street and west of the centre line of Halsted Street, and that part of the twenty-sixth ward south of the centre line of Belmont Avenue, all in the city of Chicago.

Seventh—Fourteenth, fifteenth, and twenty-seventh wards, the twenty-fifth ward, except that part south of the centre line of Diversey Street and west of the centre line of Halsted Street; that part of the twenty-sixth ward north of the centre line of Belmont Avenue, in the city of Chicago; also the towns of Evanston, Niles, New Trier, Northfield, Wheeling, Palatine, and Barrington, in Cook County, and the county of Lake.

Eighth—McHenry, De Kalb, Kane, Du Page, Kendall, and Grundy counties.

Ninth—Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Ogle, and Lee.

Tenth—Whiteside, Rock Island, Mercer, Henry, Knox, and Stark.

Eleventh—Bureau, La Salle, Livingston, and Woodford.

Twelfth—Will, Kankakee, Iroquois, and Vermilion.

Thirteenth—Ford, McLean, De Witt, Piatt, Champaign, and Douglas.

Fourteenth—Putnam, Marshall, Peoria, Fulton, Tazewell, and Mason.

Fifteenth—Henderson, Warren, Hancock, McDonough, Adams, Brown, and Schuyler.

Sixteenth—Cass, Morgan, Scott, Pike, Green, Macoupin, Calhoun, and Jersey.

Seventeenth—Menard, Logan, Sangamon, Macon, and Christian.

Eighteenth—Madison, Montgomery, Bond, Fayette, Shelby, and Moultrie.

Nineteenth—Coles, Edgar, Clark, Cumberland, Effingham, Jasper, Crawford, Richland, and Lawrence.

Twentieth—Clay, Jefferson, Wayne, Hamilton, Edwards, Wabash, Franklin, White, Gallatin, and Hardin.

Twenty-first—Marion, Clinton, Washington, St. Clair, Monroe, Randolph, and Perry.

Twenty-second—Jackson, Union, Alexander, Pulaski, Johnson, Williamson, Saline, Pope, and Massac.

VI. THE STATE SENATORIAL DISTRICTS OF ILLINOIS

(*Apportionment of* 1898)

First—The first, second, and fifth wards, in the city of Chicago, in the county of Cook.

Second—The tenth ward and that part of the twelfth ward lying west of the centre line of Robey Street, in the city of Chicago, in the county of Cook.

Third—The thirty-first, thirty-third, and the thirty-fourth wards in the city of Chicago, in the county of Cook.

Fourth—The twenty-eighth and twenty-ninth wards and that part of the sixth ward lying west of the south fork of the south branch of the Chicago river, in the city of Chicago, and the town of Cicero, all in the county of Cook.

Fifth—The thirtieth and thirty-second wards, in the city of Chicago, in the county of Cook.

Sixth—The fifteenth, twenty-sixth, and twenty-seventh wards, in the city of Chicago, in the county of Cook.

Seventh—The towns of Thornton, Bloom, Rich, Bremen, Orland, Lemont, Palos, Worth, Lyons, Proviso, Leyden, Elk Grove, Schaumburg, Hanover, Barrington, Palatine, Wheeling, Northfield, New Trier, and Riverside, and those parts of the towns of Calumet, Norwood Park, Maine, Niles, and Evanston lying outside of the city of Chicago, all in the county of Cook.

Eighth—The counties of Lake, McHenry, and Boone.

Ninth—The third and fourth wards and that part of the sixth ward lying east of the south fork of the south branch of the Chicago River, in the city of Chicago, in the county of Cook.

Tenth—The counties of Winnebago and Ogle.

Eleventh—The thirteeth and fourteenth wards, in the city of Chicago, in the county of Cook.

Twelfth—The counties of Stephenson, Jo Daviess, and Carroll.

Thirteenth—The seventh and eighth wards, in the city of Chicago, in the county of Cook.

Fourteenth—The county of Kane.

Fifteenth—The ninth ward and that part of the eleventh ward lying south of the centre line of Lake Street, and west of the centre lines of Sheldon Street and Loomis Street, and that part of the twelfth ward lying east of the centre line of Robey Street, in the city of Chicago, in the county of Cook.

Sixteenth—The counties of Kankakee and Iroquois.

Seventeenth—The sixteenth and seventeenth wards, and that part of the eleventh ward lying north of the centre line of Lake Street, in the city of Chicago, in the county of Cook.

Eighteenth—The counties of Ford, Livingston, and Woodford.

Nineteenth—The eighteenth and nineteenth wards and that part of the eleventh ward lying south of the centre line of Lake Street and east of the centre line of Sheldon Street and Loomis Street, in the city of Chicago, in the county of Cook.

Twentieth—The counties of Knox, Marshall, Putnam, and Stark.

Twenty-first—The twenty-first, twenty-second, and twenty-fifth wards in the city of Chicago, in the county of Cook.

Twenty-second—The counties of McLean and Tazewell.

Twenty-third—The twentieth, twenty-third, and twenty-fourth wards, in the city of Chicago, in the county of Cook.

Twenty-fourth—The county of Peoria.

Twenty-fifth—The counties of Will and Du Page.

Twenty-sixth—The counties of McDonough, Warren, and Fulton.

Twenty-seventh—The county of La Salle.

Twenty-eighth—The counties of Hancock, Henderson, and Mercer.

Twenty-ninth—The counties of De Kalb, Kendall, and Grundy.

Thirtieth—The counties of Champaign, Piatt, and Moultrie.

Thirty-first—The counties of Bureau, Whiteside, and Lee.

Thirty-second—The counties of Mason, Menard, Cass, Brown, and Schuyler.

Thirty-third—The counties of Rock Island and Henry.

Thirty-fourth—The counties of Morgan, Scott, and Pike.

Thirty-fifth—The counties of Vermilion and Edgar.

Thirty-sixth—The counties of Green, Macoupin, Jersey, and Calhoun.

Thirty-seventh—The county of Adams.

Thirty-eighth—The counties of Madison and Bond.

Thirty-ninth—The county of Sangamon.

Fortieth—The counties of Douglas, Coles, and Clark.

Forty-first—The counties of Macon, De Witt, and Logan.

Forty-second—The counties of Fayette, Effingham, Clinton, and Marion.

Forty-third—The counties of Christian, Montgomery, and Shelby.

Forty-fourth—The counties of Clay, Wayne, Edwards, Wabash, and Lawrence.

Forty-fifth—The counties of Jasper, Crawford, Cumberland, and Richland.

Forty-sixth—The counties of Jefferson, Hamilton, and White.

Forty-seventh—The counties of Washington, Perry, Franklin, and Williamson.

Forty-eighth—The counties of Monroe, Randolph, and Jackson.

Forty-ninth—The county of St. Clair.

Fiftieth—The counties of Union, Alexander, Pulaski, and Massac.

Fifty-first—The counties of Johnson, Pope, Hardin, Gallatin, and Saline.

VII. THE ELECTION DISTRICTS OF THE SUPREME COURT OF ILLINOIS

First District—Counties of St. Clair, Clinton, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Union, Johnson, Alexander, Pulaski, and Massac.

Second District—Counties of Madison, Bond, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, Shelby, Cumberland, Clark, Green, Jersey, Calhoun, and Christian.

Third District—The counties of Sangamon, Macon, Logan, De Witt, Piatt, Douglas, Champaign, Vermilion, McLean, Livingston, Ford, Iroquois, Coles, Edgar, Moultrie, and Tazewell.

Fourth District—The counties of Fulton, McDonough, Hancock, Schuyler, Brown, Adams, Pike, Mason, Menard, Morgan, Cass, and Scott.

Fifth District—Counties of Knox, Warren, Henderson, Mercer, Henry, Stark, Peoria, Marshall, Putnam, Bureau, La Salle, Grundy, and Woodford.

Sixth District—Counties of Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Kane, Kendall, De Kalb, Lee, Ogle, and Rock Island.

Seventh District—Counties of Lake, Cook, Will, Kankakee, and Du Page.

VIII. THE ILLINOIS JUDICIAL CIRCUITS

(*Act of* 1897)

First Circuit—The counties of Alexander, Pulaski, Massac, Pope, Johnson, Union, Jackson, Williamson, and Saline.

Second Circuit—The counties of Hardin, Gallatin, White, Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson, Richland, Lawrence, and Crawford.

Third Circuit—The counties of Randolph, Monroe, St. Clair, Madison, Bond, Washington, and Perry.

Fourth Circuit—The counties of Clinton, Marion, Clay, Fayette, Effingham, Jasper, Montgomery, Shelby, and Christian.

Fifth Circuit—The counties of Vermilion, Edgar, Clark, Cumberland, and Coles.

Sixth Circuit—The counties of Champaign, Douglas, Moultrie, Macon, De Witt, and Piatt.

Seventh Circuit—The counties of Sangamon, Macoupin, Morgan, Scott, Greene, and Jersey.

Eighth Circuit—The counties of Adams, Schuyler, Mason, Cass, Brown, Pike, Calhoun, and Menard.

Ninth Circuit—The counties of Knox, Warren, Henderson, Hancock, McDonough, and Fulton.

Tenth Circuit—The counties of Peoria, Marshall, Putnam, Stark, and Tazewell.

Eleventh Circuit—The counties of McLean, Livingston, Logan, Ford, and Woodford.

Twelfth Circuit—The counties of Will, Kankakee, and Iroquois.

Thirteenth Circuit—The counties of Bureau, La Salle, and Grundy.

Fourteenth Circuit—The counties of Rock Island, Mercer, Whiteside, and Henry.

Fifteenth Circuit—The counties of Jo Daviess, Stephenson, Carroll, Ogle, and Lee.

Sixteenth Circuit—The counties of Kane, Du Page, De Kalb, and Kendall.

Seventeenth Circuit—The counties of Winnebago, Boone, McHenry, and Lake.

There is also a circuit in Cook County.

IX. AREA AND POPULATION OF ILLINOIS AND CHICAGO

ILLINOIS		CHICAGO		
Area, 56,650 sq. m.				
POPULATION		POPULATION		AREA
1810	12,282	1837	4,170	2.55 sq. m.
1820	55,162	1840	4,479	
1830	157,445	1850	29,963	
1840	476,183	1860	109,206	
1850	851,470	1870	306,605	
1860	1,711,951	1880	491,516	
1870	2,539,891	1890	1,099,850	180.20 sq. m.
1880	3,077,871			
1890	3,826,351			

X. REFERENCES AND ABBREVIATIONS

REFERENCES

1. The government of Illinois is a government of law. In order to know what it is, therefore, it is necessary to know the laws which create it and in accordance with which it exists. These laws are: (1) the Constitution of the United States; (2) the statutes enacted by the Congress of the United States; (3) treaties made by the United States with foreign nations or with the Indian tribes; (4) the Constitution of Illinois; (5) the statutes enacted by the Illinois Legislature; (6) the ordinances made by City Councils, or by other bodies duly authorized by the Legislature.

2. Every essential fact concerning the government of the State is to be found in one or more of these sources. To these reference should always be made in case of doubt.

3. Various departments of government publish "manuals," or some similar documents, usually each year, in which will be found the names of public officers and other facts of interest.

4. The Constitution of the United States* and the Constitution of Illinois are in the Appendixes to this book.

5. The Statutes of Congress are gathered into a volume known as the "Revised Statutes of the United States," with several smaller volumes called "Supplements" and containing laws made later than the date of the Revised Statutes.

"The Statutes at Large" are a collection, in many volumes, of all the laws which Congress has ever made, arranged by years.

6. The "Revised Statutes of Illinois" are also collected into a single volume—one edition having several volumes.

The Illinois "Session Laws" are the enactments of each Legislature, arranged by years.

7. Cities usually publish collections of their laws and ordinances—as is also the case with other subordinate legislative authorities.

8. The treaties of the United States are published by the United States Government in a volume called "Treaties and Conventions of

* Part I., p. 104.

the United States." Those made later than the publication of this volume may be found in other public documents, which may usually be obtained from a member of Congress.

ABBREVIATIONS

The following abbreviations are used in this book :

"U. S. Const." = Constitution of the United States.

"Ill. Const." or simply "Const." = Constitution of Illinois. Citations to the Illinois Constitution if not in foot-notes are sometimes made by noting merely the article and section (*e. g.*, Art. X., § 1).

"U. S. Rev. Stat." = Revised Statutes of the United States.

"Ill. Rev. Stat." or simply "Rev. Stat." = Illinois Revised Statutes.

"L. & O." = Laws and Ordinances of Chicago.

"Donaldson" = Donaldson's "The Public Domain."

INDEX

PAGE

Adjournment of legislature.....67, 78
Amendment of constitution.....52–54
Appellate courts.....119, 120
Appointments.....66, 76, 77
Apportionment.....57, 195–197
Articles of Confederation..... 7
Asylums.....97, 98
Assault and battery..... 134
Assessment..... 151
Assessments, special..... 152
Assessors..... 152
Assessor, town..... 132, 133
Attorney,
 city.....141, 143
 prosecuting..... 143
Attorney-General..... 87
Auditor, State..... 86
Auditors, town..... 135
Australian ballot.....50, 51

Bail..... 177
Ballot.....50, 51
Banks..... 190
Base line.....32, 34, 37
Bicameral legislature..... 56
Bill of Rights..... 171
Board
 of Dental Examiners..... 101
 of Education..... 159
 of Health, State..... 100
 of Pharmacy..... 101
Boards, State.....100–108
Boundaries of Illinois.....19, 20, 25, 45

Cahokia.....10, 13, 17
Capitals of Illinois..... 23
Capitol, State..... 110
Cession of West to United States.... 11
Charities, State.....99, 100
Chicago.....23, 134, 141, 160
 schools..... 160
Circuit courts..... 118
Cities.....137–146
Civil rights..... 170
 Service Commission..... 148
 service reform..... 148
Clerk, city..... 141
Clerks of courts.....126, 129
Collector,
 city..... 142
 town.....132, 133
Collectors, United States.....205, 206
Common Council.....138, 139

PAGE

Commissioner
 of buildings..... 143
 of health..... 144
 of public works..... 142
Commission of Claims..... 111
Commitment..... 178
Common law..... 117
Comptroller..... 142
Congressional districts..... 39
Constables.....135, 136
Constitutions of Illinois.....22, 43, 55
Constitution of the United States.... 8
Convention, constitutional.....53, 54
Cook County.....24, 119, 125, 126, 134
Coroner.....126, 128
Corporations.....188–190
Counties.....23, 29, 123, 131
County commissioners.....125, 135, 136
 board.....124, 135, 136
 clerk.....126, 127
Counsel, corporation..... 143
Courts of law.....117–122
County court..... 130
 surveyor.....126, 129
 treasurer.....126, 127
Court..... 182
Courts, United States.....201–204
Crimes, infamous.....49, 134
Criminal laws..... 115

Departments, administrative..... 84
Debt, public.....154, 164, 184
Directors, school..... 158
Domicile..... 48
Drainage.....145, 146
Due process of law.....170, 175
Duties
 of administrative officers.....85, 86
 of governor..... 80
 of legislature..... 70

Education.....155–165
 compulsory..... 156
Elections.....58, 192, 197
 city..... 138
Election districts..... 41
Elections, presidential.....198–201
Eminent domain..... 185
Enabling Act for Illinois..... 20
English colonies..... 4–7
Equalization of taxes..... 112
Executive department..... 74
Ex post facto law..... 181

PAGE

Exemptions from tax 153
Expulsion from legislature 68

Farmers' Institute, Illinois 105
Federal government 166
Felony 134
Fire marshal 144
Fort Chartres 13, 27
 Dearborn 23, 24
Freedom
 of religion 173
 of speech 174

Game wardens 107
Gerrymander 57, 198
Government 54, 55
 of English colonies 3
Governor 75
Grand jury 178, 179

Habeas corpus 180
Highway commissioner 133
Horticultural Society, State 105

Illinois,
 a State 20
 and Michigan Canal 109
 Central Railroad 109
 Territory 18
 under France 12
 under Great Britain 13
 under Virginia 13
Impeachment 65
Indiana,
 boundaries 18
 Territory 17
Indians in Illinois 26
Indictment 178
Infamous crime 49, 134
Inspection, city 145
Insurance companies 190

Judicial districts 40, 41
Jury 134
Justice of the peace 134, 136

Kaskaskia 10, 13, 16, 19, 21, 22, 23, 27

Land claims of States 9, 10
Legislation, method of 71
Legislature 56–73
Libraries, State 95
Lieutenant-Governor 82
Libel 174
Lotteries 191

Mandamus 122
Mayor 140
Menard, Pierre 83
Minority representation 59
Misdemeanor 134

National Guard 89
Naval militia 90
Normal schools 93
Northwest Territory 14

PAGE

Oath 60
Oath of governor 81
Obligations 114
Ordinance of 1787 14, 91
Organization of legislature 63

Pardons, State Board of 113
Parks 145
Parole system 97
Penalties 181
Petition 175
Physician, city 144
Poll tax 150
Population of Illinois 19
Port of entry 205
Post-offices 204
Powers of legislature 69
Preamble 43
President, village 147
Principal meridian 32, 34, 36
Privileges 60
Probate courts 131
Prohibitions on States 167–171
Property,
 real and personal 151
 tax 151
Proportional representation 58
Public works, city 142

Qualifications, legislative 59
Quorum 67

Railroads 190
Recorder of deeds 126, 129
Reformatory 98
Removal from office 78
Representatives 195
Revenue, public 150–154
Review, Board of 153
Revised Statutes, Illinois 116
Rights 114

Salary 61, 76, 82, 85, 118, 121, 130, 150, 203
School
 districts 42
 funds 161–163
 law 92
Secretary of State 86
Sections 31, 33
Senate 56, 58, 59, 65
Senatorial districts 40
Senators, United States 194
Settlement of North America 3, 4
Sheriff 126, 127
Slavery 169
Springfield 23
Staff 89
State 46
State's attorney 126, 128
St. Clair County 16
Suffrage 47–52, 171
Superintendent,
 county 126, 128
 of police 144
 State 86
Superintendents, city 142

PAGE

Supervisors.....125, 132, 133
Supreme Court.....120–122

Tax.....150, 161, 163, 183
Teachers..... 164
Territorial government, second grade 17
Towns.....29, 30, 31, 124, 131, 135, 136
Town meeting..... 132
Torrens system.....129, 130
Town clerk.....132, 133
Townships..30, 31, 32, 33, 34, 37, 124, 156
Treasurer,
 city.....140, 141, 142
 State..... 86
Trustees,
 school.....156, 157
 village..... 147

University, State..... 94

Vacancy in office.....82, 87
Vandalia..... 23
Veto..... 79
Villages.....137, 146–148
Voting,
 See Suffrage.
 machine..... 51

Warrant..... 176